NOTE

ON THE

Administration of Criminal Justice

IN THE PROVINCE OF OUDH,

DURING THE CALENDAR YEAR ~~ENDING 31st DECEMBER 1907~~;

1891 and 1902 to 1909

WITH STATEMENTS.

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BOMBAY BRANCH
OF THE
ROYAL ASIATIC SOCIETY.
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Report on the Administration of Criminal Justice in Oudh during the year ending with 31st December 1891.

No. 1497 OF 1892.

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FROM

W. R. BURKITT, Esq., C.S.,

JUDICIAL COMMISSIONER OF OUDH,

To

THE SECRETARY TO GOVERNMENT,

NORTH-WESTERN PROVINCES AND OUDH,

JUDICIAL (CRIMINAL) DEPARTMENT.

Dated Lucknow, the 21st September 1892.

SIR,

I HAVE the honor to submit the report on the Administration of Criminal Justice in Oudh for the year 1891, with the prescribed returns, and to forward the reports of the Sessions Judges and Deputy Commissioners in original.

2. I may premise that this is the first year during which the new system prescribed by Act XX of 1890 has been in force. As regards criminal work the principal change made by the Act was that the Revenue Divisional Commissioners ceased to be Sessions Judges. Their duties in that respect were made over to the District Judges, who became Sessions Judges, their number being increased from four to six. The constitution of the Judicial Commissioner's Court was also changed by the permanent addition to it of a second Judge. This change was made by Act XIV of 1891.

3. The district reports were received from Sessions Judges on the following dates:—

Lucknow	From 12th April to 15th April 1892.
Sitapur...	27th February 1892.
Hardoi...	From 15th February to 14th March.
Fyzabad	14th March.
Gonda	16th March.
Rae Bareli	9th April.

The criminal returns of the Partábgarh district were not received from the Sessions Judge of Rae Bareli till the beginning of June, they having been most carelessly mislaid in his office, and Statement No. 2 (a most important statement) was not received till August 17th, the Sessions Judge having ignored the instructions sent to him early in the year regarding the submission of that statement.

The district statements were received on dates ranging from 15th February to 9th May 1892, and the Sessions Judges' returns were received between 8th April and 17th August 1892.

4. On the last day of the year under report there were 191 criminal tribunals in Oudh, inclusive of 15 benches of Honorary Magistrates, against 192 tribunals in the preceding year. The variations in both years are as follows:—

IMPERIAL RETURN No. I. Number of tribunals.

	1890.	1891.
Sessions Judges	5	6
Assistant Commissioners	12	11
Deputy Collectors	48	47

The criminal tribunals consisted of the following classes of officers :—

Europeans and Statutory Civilians ...	Covenanted officers	22
	Military officers	13
	Uncovenanted officers	8
Natives		204

IMPERIAL RETURN No. II.
Offences reported.

5. As compared with the previous year there was an increase of 2,298 or 4·7 per cent. in the number of offences reported in 1891. Nine districts show an increase. Bara Banki heads the list with an increase of 800, Bahraich comes next with an increase of 671, and Partábgarh follows with an increase of 659 offences reported. Four districts show a falling off, the most noticeable decrease being in Hardoi, (517), Sultánpur, (178), and Kheri, (170). The increase in offences reported in Bara Banki, Bahraich, and Partábgarh occurred principally in cases of theft, hurt, and criminal trespass. In Bahraich and Partábgarh there was a considerable increase in offences under "Special and local laws." The decrease in the number of offences reported chiefly occurs in Hardoi and Sultánpur, under "Offences affecting the human body" and "Breach of special and local laws," and in Kheri, under "Offences against property."

6. In Bara Banki the increase of offences is thus accounted for :—"The kharif of "1890 was not good, and for a short time famine was imminent, whilst the rabi of 1891 "was damaged by frost and heavy rain. Then came the rain in May, followed by a "drought, which lasted till the first week in August. Famine prices were almost "reached, and grain thefts became very numerous. Squabbles about water led to a "great increase in hurt and criminal trespass cases."

The Deputy Commissioner of Bahraich writes—"Petty thefts increased consi-"derably and may be due to the privation consequent on a late rainfall."

The Deputy Commissioner of Partábgarh says—"These results appear to point "to more faithful reporting of offences."

Offences struck off or complaints dismissed under section 203, Criminal Procedure Code.

7. The number of offences struck off by order of the Magistrate and of complaints dismissed under section 203, Criminal Procedure Code, aggregated 14,170 during 1890 as against 13,744 in the previous year. The percentage of offences thus disposed of was exactly the same in 1891 as in 1890, *viz.*, 27. The principal headings under which complaints were struck off or dismissed are—

	Reported.	Struck off or dismissed.
Extortion	219	166
Wrongful confinement	193	123
Cheating	340	212
Kidnapping	147	90
Defamation	431	263
Robbery	221	104
Criminal intimidation	333	166
Mischief	2,025	908
Criminal breach of trust	337	148
Offences relating to marriage	1,442	607
Causing hurt	10,850	3,870
Criminal force	3,134	1,128
Offences against public tranquillity	531	180
Criminal trespass	5,305	1,605
Theft	8,671	2,223
False evidence	505	83
Offences against special and local laws	12,225	1,541

8. There was an increase in the percentage of offences struck off or dismissed in 1891, as compared with the percentage for 1890, under the following headings, *viz.*, criminal breach of trust (+7), robbery (+6), offences relating to marriage (+4), extortion and criminal trespass (+2 each), and theft (+1).

The percentage was almost identical in both years under "wrongful restraint," cheating, defamation, hurt, and false evidence, but it fell off in the year under report under the following headings, *viz.*, criminal intimidation and offences against public tranquillity (—5 each), mischief (—4), kidnapping and offences against special and local laws (—3 each), criminal force (—2). The variations are very minute on the whole.

Cases struck off.

9. Three thousand five hundred and fifteen cases were struck off from the police registers by order of Magistrates, being 1,304 more than in the previous year. The percentages of cases struck off to offences reported for the two years 1890 and 1891 are 4·4 and 6·8 respectively. With this increase in the cases struck off, there has been a decrease of 878 during 1891 in the number of complaints dismissed by Magistrates under section 203, Criminal Procedure Code, as compared with the figures of the preceding year, the figures for the two years being 10,655 or 20·6 per cent. of the offences reported dismissed in 1891, and 11,533 or 23 per cent. in 1890.

10. Nine districts show a decrease in the offences dismissed during 1891 as compared with the figures for the preceding year. On the other hand, there was an increase in two districts. The percentages of complaints dismissed in 1891 are—Gonda 27, Unao 25, Fyzabad and Partábgarh 23 each, Bara Banki 22, Bahraich, Sultánpur, and Kheri 21 each, all being above the provincial average (20·6); whilst Rae Bareli (20), Sitapur (19), Lucknow and Hardoi (15 each), and Lucknow City (9), are below it.

11. The Deputy Commissioner of Bahraich (Mr. Gibson) writes in his district report—"The number of offences struck off quadrupled the figures of the previous "year, and over 5 per cent. were false charges of theft. The District Superinten- "dent was unusually active in having cases expunged. I need not say that I receive "such applications with caution, and do not allow a case to be expunged unless it is "palpably false or was made under a misapprehension."

Mr. J. Sanders, Deputy Commissioner of Partábgarh, remarks—* * * "I "found on my arriving in the district that Deputy Magistrates are too much "inclined to receive all sorts of complaints and, without paying the least attention to "the provisions of section 200, Criminal Procedure Code, to at once issue a summons "or warrant on the accused according to the offence named in the complaint. I had to "issue strict orders that the provisions of the section must be strictly observed; and "repeatedly sent for petitions in order to see if a full and complete statement on oath "of the complainant had been reduced to writing, and that it was signed by the com- "plainant as well as by the Magistrate. I may here mention incidentally that I had "to warn Magistrates to exercise some thought as to the real offence, if any, com- "plained of in issuing a summons or warrant accordingly, if they considered the com- "plaint *primâ facie* a true one, and not to be guided solely by the offhand and arbitrary "insertion of any particular section of the Penal Code by an irresponsible petition "writer, whose knowledge of that Act is neither extensive nor accurate. The Deputy "Magistrates are still too apt to fling a petition to their Munshis and with an order "for a summons or warrant according to the section given at the head of the petition."

The increase in the number of theft cases struck off by order of Magistrate is thus accounted for by the Deputy Commissioner of Bara Banki (Colonel Grigg):— "The reason for this is the numerous false charges which are brought. On inquiry "these alleged thefts, in a large number of cases, are found to relate to rent disputes "or claims which the Rent Courts should dispose of."

The Deputy Commissioner adds—"Before cognizable cases are expunged the "reports are submitted to me by the Subordinate Magistrates with their opinion, and "final orders are passed by me. The police have been very careful this year to have "cases in which the prosecution has failed to prove the charge and it has been found "false expunged."

As regards complaints dismissed under section 203, Criminal Procedure Code, the Deputy Commissioner observes—"From these figures it is manifest that the "Magistrates issued processes without due cause being shown. But there is this to be "said for them that the Bara Banki complainant will not have his petition lightly "dealt with. If he cannot get processes issued he appeals or petitions for a fresh "trial."

The Sessions Judge of Fyzabad writes—"I should be glad to think with the "Magistrate that the decrease is due to greater care in bringing complaints; I am "afraid the decrease is really due to the fact that the bulk of the work is performed "by Native Magistrates or inexperienced English Magistrates who do not throw out "complaints freely under section 203. A very great deal more might be done in this "respect as the low percentage of convictions in offences against the human body shows."

Mr. P. J. White, the Deputy Commissioner of Sultánpur, remarks—"Section "203, Criminal Procedure Code, has as usual been very destructive to hurt complaints; "still 104 cases less have thus been dismissed than in 1890. The figures against serial "No. 53 (robbery) look startling, but these charges of the nature of robbery were "found to be trumped up to satisfy private pique of some sort. Similarly there was "a large number of vindictive charges of theft which had to be struck off or "dismissed."

12. Compensation for vexatious or frivolous complaints was awarded to 540 accused persons as against 145 in the previous year. This increase is almost entirely the outcome of the alteration in law made in 1891 by which compensation can now be given in other than summons cases. The provisions of the new law do not appear to have been at all freely resorted to during 1891. Some action, however, appears to have been taken under section 560, Criminal Procedure Code, in Sitapur, Kheri, Fyzabad, Bahraich, Sultánpur, and Partábgarh.

Number of cases in which compensation was awarded.

13. The Deputy Commissioner of Bara Banki (Colonel Grigg) writes—"Only "Rs. 66, as against Rs. 108 in the preceding year, was awarded to 14 persons against "17. Section 560 has not been thoroughly comprehended yet. The old plan of giving "the defendant his remedy by a prosecution under section 211 in still in favour. On "calling one Magistrate's attention to the provisions of the new law he pleaded igno-"rance. The enactment came in force rather late in the year, and copies were not "received for all Magistrates, which possibly accounts for failure to apply its provisions "to the full. It should be a most effectual check on false and frivolous complaints of "every description. From an appeal which came before me the other day it would "appear the complainant was taken aback at the sweeping character of the new "section. Under the old section, 250, he would have got off, for he had thrown in "rioting, theft, &c., which were considered proof against the tables being turned "on him without recourse to a long and perhaps doubtful prosecution."

The Deputy Commissioner of Sitapur writes—"I am trying hard to get "Magistrates to take action under this section, but as a body they are backward in "doing so."

The Deputy Commissioner of Hardoi remarks—"This new section has not yet "had time to work properly. I hope to see many more cases under it next year."

The Sessions Judge, Colonel Cowie, notes on the Hardoi report—"There has been "plenty of time to work the section if Magistrates would but make more use of the "provisions. Both in Hardoi and in Unao little advantage has been taken of it "during past year."

The Deputy Commissioner of Fyzabad writes—"Attention of Courts is "constantly directed to the good effect of using the extended powers of awarding "compensation. In districts where section 203 is used with freedom there is not

"opportunity for a large giving of compensation, for many of the frivolous and "vexatious cases are dismissed under that section."

Mr. T. R. Wyer, the Sessions Judge of Fyzabad, notes on the above :— "I am "not sure that an increase of action under section 560 is to be desired. On my own "part I think it may prove a serious hindrance to the proper administration of justice. "Careful, well judged dismissal of complaints under section 203 is to my mind a "much sounder and more reliable check to the bringing of false and frivolous "complaints."

14. In these remarks I do not concur. I look on the amendment of the law as being most useful and salutary, and I anticipate that when its scope becomes to be generally understood it will have the effect of considerably reducing the number of frivolous and vexatious complaints.

Cases brought to trial.

15. Thirty-seven thousand four hundred and ninety-one cases were brought to trial during the year under report, as against 35,492 in 1890, being an increase of 1,999 cases. The variations in the district figures are shown in the subjoined table :—

	1890.	1891.	Difference.
Fyzabad	3,617	4,155	+538
Partábgarh	2,137	2,555	+418
Lucknow	1,551	1,871	+320
Bahraich	2,230	2,479	+249
Gonda	2,830	3,086	+256
Unao...	1,942	2,112	+170
Bara Banki	2,938	3,103	+165
Sitapur	2,799	2,962	+163
Lucknow City	3,432	3,588	+156
Rae Bareli	2,932	2,986	+54
Hardoi	3,640	3,257	−383
Sultánpur	2,668	2,572	−96
Kheri	2,776	2,765	−11

It will be seen that 10 districts show an increase aggregating 2,489 cases, and the remaining three districts show a decrease of 490 cases brought to trial during 1890, as compared with the figures of the previous year.

This increase in the number of offences brought to trial in 1891, as compared with the figures for the previous year, is almost wholly due to an increase in the number of petty theft, dishonest retention of stolen property, mischief, criminal trespass and hurt cases, and offences against special and local laws. The variations in the more heinous offences against the person and property are small.

Persons brought to trial.

16. The number of persons actually brought to trial rose from 65,251 in 1890 to 66,561 in the year under report. The following table shows how persons under trial were disposed of :—

	1890.		1891.	
	Number.	Percentage.	Number.	Percentage.
Acquitted or discharged	32,405	49·66	34,569	51·93
Convicted...	32,735	50·16	31,693	47·61
Died, escaped, &c.	111	·17	299	·43

Thus with an increase of 1,310 in the number of persons brought to trial there has been a decrease of 1,042 or 2·55 per cent. in the number of persons convicted.

General results.

17. The general results for the years 1890 and 1891 are given below :—

	1890.	1891.
Cases reported	49,342	51,640
„ struck off and dismissed	13,744	14,170
„ returned as true	35,593	37,470
Percentage returned as true	72·14	72·56
Persons under trial	65,251	66,561
„ convicted	32,735	31,693
Percentage of convictions	50·16	47·61

18. Colonel Grigg, the Deputy Commissioner of Bara Banki, writes as to the falling off in the percentage of convictions—"The percentage of convictions shows "but little difference, but in criminal force and assault percentage of convictions fell "from 21·1 to 13·4, and number of cases from 343 to 261, showing that experience, "perhaps dearly bought, had proved the necessity of adding hurt to assault to "procure the attendance of the defendant."

The Deputy Commissioner of Kheri (Colonel Harrison) remarks—"It is "evident that the Courts have not exercised the right to dispose of such cases on their "being brought up, by examination of prosecutor, though this has been repeatedly "brought to their notice.

Certain special details. Rioting.

19. Of the persons tried for rioting in 1891, 58 per cent. were convicted as against 61 per cent. in the preceding year. The highest percentages obtained were in Partábgarh (92), Kheri (79), Sultánpur (77), Lucknow City (75), Fyzabad (67), and Hardoi (65).

Affray.

20. The percentage of convictions under the heading "Affray" fell from 72 in 1890 to 51 in the year under report. The highest percentage was 100 in Lucknow, Unao, Sitapur, and Gonda. The provincial average was exceeded in three other districts, *viz.*, Bara Banki (73), Lucknow City (70), and Hardoi (60).

Contempt of the lawful authority of public servants.

21. Under the head of "contempt of the lawful authority of public servants" there is in 1891 an increase of 6 per cent. above the figures of 1890 in the number of persons tried. The percentage of convictions in 1891 was, however, 1 per cent. less than in the preceding year. In the Bara Banki district the number of persons tried in 1891 rose to 135 from 108 in 1890, and the percentage of convictions from 66 in 1890 to 74 in the year under report. In Fyzabad 210 persons were tried in 1891 as compared with 71 in the previous year, but the percentage of convictions was the same in each year, *viz.*, 52. In Sultánpur, while the number of persons tried increased from 126 in 1890 to 160 in 1891, the percentage of convictions fell from 71 to 55.

False evidence and offences against public justice.

22. In the year under report 53 per cent. of persons tried for offences under this head were convicted as compared with 55 per cent. in the previous year, the number of convictions being 323 and 394 in the two years respectively. In Bara Banki the percentage of convictions fell from 51 to 45, in Hardoi from 64 to 44, and in Gonda from 53 to 40.

Offences relating to coin and Government stamps.

23. In the year under report 62 per cent. of persons tried under this head were convicted as against 65 in 1890. Convictions were obtained against all the persons charged with offences under this head in Kheri and Hardoi. High percentages of convictions were obtained in Partábgarh (83), Bahraich (81), Sultánpur (70), and Sitapur (66).

Offences affecting the public health.

24. In 1891, 424 persons were tried for offences under this head, of whom 309 were convicted as compared with 527 persons tried and 424 convicted in 1890, the percentage of convictions for the two years being 72 and 80 respectively. The falling off in the convictions is

most marked in Kheri (from 72 to 37), Lucknow (from 75 to 44), and Partábgarh (from 97 to 62).

Hurt.

25. The variations in the figures for the past two years under the heading "Hurt" are as follows:—

	Offences reported.	Struck off or dismissed.	Persons tried.	Acquitted.
1890	10,577	4,031	14,318	8,096
1891	10,850	3,870	15,314	9,626

It will be seen from the above table that while in 1891 there was an increase of 273 offences reported, the number of complaints struck off or dismissed decreased by 161 as compared with the figures of the previous year. The number of persons tried during the year under report increased by 796, and those acquitted by 1,530. The provincial percentage of acquittals in the two years was 56 and 62 respectively.

The district percentages of acquittals were as follows:—

	1890.	1891.
Gonda	73	63
Hardoi	66	60
Sitapur	61	70
Unao	61	72
Kheri	59	65
Fyzabad	57	53
Rae Bareli	56	72
Bahraich	55	70
Lucknow City	53	56
Sultánpur	49	74
Bara Banki	47	52
Lucknow	44	42
Partábgarh	36	54

The percentage of acquittals in seven districts was in excess of the provincial average, but Hardoi, Fyzabad, Lucknow, and Gonda show an improvement on the figures of 1890. The falling off in the percentages of the four districts just mentioned may be taken to indicate greater carefulness on the part of the Magistrates of those districts in admitting complaints.

26. The Deputy Commissioner of Sitapur says—"More than half the persons "brought to trial for hurt were acquitted, one-seventh discharged, and only 1 in "8 was convicted. Undoubtedly a great many cases were wrongly taken up."

Mr. Gibson, the Deputy Commissioner of Bahraich, remarks—"I have referred "to the cause of increase in offences against property, and it is probable that the same "cause increased petty violence to the person. The gloomy prospect of a drought "must cause much irritation and friction, and though no famine occurred, credit was "withheld for a time, and this among the cultivators generally means privation, and "still more so among those who receive wages." As regards the increase in acquittals, the same officer writes—"These are compoundable, and it is far better that they "should be settled amicably out of court. A conviction widens the breach and leads "to retaliation. Notwithstanding the disfigurement of statistics, a low percentage "of convictions arising from a large proportion of insignificant offences is not an "unalloyed evil."

The Deputy Commissioner of Partábgarh, commenting on the result of prosecutions for crimes under this head, writes—"Of course the largest portion of these are "simple hurt and assault cases. I have already laid stress on the difficulty I have "had in impressing on Deputy Magistrates, Tahsíldárs, and Honorary Magistrates the "necessity of more carefully observing the provisions of sections 200, 202 and 203, "Criminal Procedure Code."

Wrongful restraint and wrongful confinement.

27. Of the 291 persons tried for offences under this head, 30 or 10 per cent. were convicted, the figures for the preceding year being 265 persons tried and 52 or 19 per cent. convicted. The percentages of convictions were above the average in 7 districts, *viz.*, Lucknow (50), Unao (50), Kheri (25), Bahraich (19), Rae Bareli (18), Sultánpur (16), Hardoi

(13). None of the persons tried in Sitapur, Fyzabad, and Gonda was convicted, and in the three remaining districts the percentages of convictions were 3, 6, and 8 respectively.

Criminal force and assault.

28. In 1891 there were 3,134 complaints of offences under these headings, being 376 less than in the previous year. Out of the 4,284 persons tried, 3,015 or 70 per cent. were acquitted. The percentage of acquittal in 1890 was 64. The district percentages of acquittals during 1890 and 1891 are as follows :—

	1890.	1891.
Lucknow City	85	81
Sultánpur...	60	80
Kheri	76	78
Rae Bareli	71	78
Sitapur	77	73
Lucknow	67	72
Bahraich	47	72
Hardoi	57	68
Partábgarh	49	66
Unao	65	64
Gonda	61	61
Fyzabad	51	60
Bara Banki	51	44

The percentages of the first seven districts exceed the provincial percentage. With the exception of three districts, *viz.*, Lucknow City (—4), Sitapur (—4), and Bara Banki (—7), which show an improvement, the other districts show a large increase of acquittals, a result mainly attributable to the reluctance with which many Magistrates avail themselves of the powers vested in them by section 203, Criminal Procedure Code.

Rape.

29. The number of persons convicted for rape shows a slight increase over the figures of the previous year. Out of 56 persons tried for offence under this head, 26 were discharged, 5 acquitted, and 25 convicted.

Theft.

30. Although the number of true offences under this head increased from 6,135 in 1890 to 6,456 in 1891, the percentage of convictions has remained the same in both years, *viz.*, 74. Six districts show a higher percentage than the average, *viz.*, Partábgarh (83), Rae Bareli (81), Sitapur (80), Lucknow City (78), Bahraich (78), and Unao (77). The lowest percentage was 66 in Kheri. The percentage of convictions is on the whole good, and it is satisfactory that it has not fallen off with the increased number of offences.

Robbery and dakaiti.

31. The number of persons tried for robbery and dakaiti rose from 341 in 1890 to 370 in the year under report, while the number of persons convicted fell from 178 to 163. The provincial percentage of persons convicted to persons tried was 52 in 1890, as compared with 44 in 1891. The following districts show percentages of convictions above the provincial average:—in Rae Bareli 7 persons were convicted out of 9 tried, in Bara Banki 24 convicted out of 37 persons tried, in Sitapur 9 convicted out of 14, in Gonda 16 convcted out of 32. In Hardoi 46 per cent. of the persons tried were convicted. The figures of the year under report are thus 8 per cent. worse than those of 1890, which my predecessor characterized as being "poor." There evidently is room for improvement here. Probably the police acted injudiciously in making arrests on insufficient evidence.

Receiving stolen property.

32. During the year the provincial percentage of convictions obtained for offences under this heading rose to 73 from 71 in 1890. In the following districts the percentages of conviction are better than the provincial average:—Partábgarh (90), Sitapur (79), Lucknow City (77), Lucknow (76), Hardoi (76). The percentages of other districts vary from 64 in Kheri to 73 in Rae Bareli. It is noticeable that most of the districts which show good percentages under the heading of theft show well under this heading also.

Cheating.

33. In the year 1891 340 offences were reported against 317 in the previous year, and 212 were struck off or dismissed by Magistrates as compared with 191 in 1890. The percentage of convictions to persons tried, however, fell from 32 in 1890 to 29 in 1891; in other words, 53 persons were convicted out of 180 tried in the year under report as against 57 out of 173 in 1890. Five districts show higher percentages than the provincial average.

Offences relating to documents, trade and property marks.

34. In the year under report convictions were obtained against 14 out of the 53 persons tried, as against 20 persons convicted out of 56 tried in 1890, the percentage of convictions in 1891 and 1890 being 25 and 35 respectively. In Fyzabad and Sitapur 6 persons were tried, but no conviction was obtained in either district. In Hardoi all 4 persons tried were convicted.

Offences relating to marriage.

35. The number of offences reported under this head rose from 1,381 in 1890 to 1,442 in 1891. Of these latter 607 were struck off or dismissed by Magistrates, as compared with 527 in 1890. Out of the 1,031 persons tried during the year, 885 were discharged or acquitted and 144 or 14 per cent. were convicted. The district percentages of convictions of Lucknow (25), Lucknow City, Bahraich, and Partábgarh (18 each), Unao (16), and Rae Bareli (15) exceeded the provincial average. The lowest percentages are Gonda and Sultánpur (7 each).

All these figures are decidedly bad and not creditable to the Magistrates who inflicted on nearly 750 persons the unnecessary indignity of having to appear in court to defend themselves against unfounded complaints. The attention of District Magistrates will be called to this matter.

Defamation.

36. As in 1890, so also in the year under report, it would appear that complaints of defamation have been much too lightly entertained, for I find that in 1891 there was an increase of 66 complaints for defamation, as compared with the number of such complaints in 1890. Out of 431 complaints made 263 were struck off or dismissed by Magistrates as against 225 in 1890. Convictions were obtained in Partábgarh against 35 per cent. of the persons tried, in city Lucknow against 29 per cent., and in Hardoi, Rae Bareli, and Sultánpur against 25 per cent. No convictions were obtained in Lucknow, although 29 persons were tried, of whom 8 were acquitted and 21 discharged in default of prosecution.

Criminal intimidation, insult, and annoyance.

37. During the year 260 persons were tried for offences under this head, of whom 51 or about 16 per cent. were convicted as compared with 22 per cent. in 1890. In Kheri 3 persons were tried and in Bahraich 5, none of whom were convicted. In Gonda the percentage of persons convicted to persons tried was 43, in Fyzabad 40, in Unao 33, in Rae Bareli 29, in Lucknow 28, in Lucknow City 26, and in Sultánpur 22.

Arms and Explosives Acts, XI of 1878 and IV of 1884.

38. Seventy-six persons were tried in 1890 for offences against the Arms Act, and 57 persons or 75 per cent. were convicted. During the year under report 67 persons were tried, of whom 51 persons or 73 per cent. were convicted. Convictions were obtained against all the persons tried in Lucknow (4), Bahraich (1), Gonda (8), Sultánpur (3), and Partábgarh (3).

Cantonments Act, III of 1880.

39. There was a slight increase during 1891 in offences under the Cantonments Act, as compared with the figures for the previous year. Out of the 749 persons tried 684 or 91 per cent. were convicted as against 710 persons tried and 627 or 88 per cent. convicted in 1890.

40. There was a considerable increase during 1891 in offences under this head, 517 persons having been tried as compared with 172 in the previous year. Out of 513 persons tried in Gonda 321 were convicted. The Deputy Commissioner of Gonda has not given any explanation of the increase of crime under this head.

Criminal Tribes Act.

41. During the year 115 persons were tried for offences against the forest laws, as compared with 100 persons in 1890. Out of the 89 persons tried in Bahraich 72 were convicted, and out of 26 tried in Gonda 24 were convicted.

Forest Act, VII of 1878.

42. Although the number of persons tried for offences under this class has risen from 682 in 1890 to 710 in the year under report, yet the percentage of convictions shows a very small fluctuation, the figures for the two years being 80 and 79 respectively. Convictions were obtained against all the persons tried in Gonda (3) and Rae Bareli (22). In Lucknow City 233 persons, and in Hardoi 141 persons, were convicted out of 292 and 164 persons tried.

Gaming and Lotteries Act, III of 1867.

43. The number of persons tried for breaches of municipal bye-laws was 4,645 in 1891, being 73 in excess of the number tried in 1890, and the number of convictions rose from 3,813 in 1890 to 3,967 in 1891. The percentage of convictions to persons tried was 85 in 1891 as against 83 in 1890.

Municipal bye-laws.

The following table shows the number of persons tried in each district during 1890 and 1891, and percentage of convictions to the number of persons tried in 1891 :—

	Persons tried. 1890.	1891.	*Difference.*	*Percentage of convictions to persons tried.*
Kheri	11	18	+ 7	100
Hardoi	700	382	−318	95
Sitapur	373	408	+ 35	92
Sultánpur	50	45	− 5	91
Bahraich	235	287	+ 52	90
Gonda	218	478	+260	88
Bara Banki...	46	59	+ 13	86
Lucknow City	1,838	2,011	+173	84
Fyzabad	578	352	−226	81
Partábgarh	86	92	+ 6	79
Unao	45	37	− 8	78
Rae Bareli	392	476	+ 84	72

44. During the year 3,787 persons were tried for committing nuisances under Act V of 1861, being 1,160 less than in 1890. The percentage of convictions, however, shows no fluctuation, being about 93 in each year. The subjoined table shows the number of persons tried in each district during 1890 and 1891, and the percentage of convictions to the number of persons tried in 1891 :—

Nuisances, Act V of 1861.

	Persons tried. 1890.	1891.	*Difference.*	*Percentage of convictions to persons tried.*
Partábgarh	16	35	+ 19	100·
Sitapur	65	65	...	98·
Bahraich	30	48	+ 18	98·
Hardoi	101	260	+159	97·
Sultánpur	325	125	−200	96·
Fyzabad	1,410	1,385	− 25	95·
Lucknow City	1,012	571	−441	95·
Gonda	331	32	−299	94·
Rae Bareli	713	567	−146	93·
Unao	590	248	−342	88·
Bara Banki	272	337	+ 65	88·
Lucknow	37	75	+ 38	84·
Kheri	45	39	− 6	72·

45. There was a falling off in the number of persons tried during 1891 for offences against the opium laws, as compared with the figures of the previous year, the figures for the two years being 334 persons tried in 1891 as against 363 in 1890. The percentage of convictions to persons tried likewise fell from 76 in 1890 to 70 in 1891.

Opium Acts, XIII of 1857 and I of 1878.

46. The number of persons tried under the Railways Act rose from 87 in 1890 to 116 in 1891. Convictions have likewise risen from 62 to 80 in the year under report, the percentage of convictions to persons tried being 69 in 1891 against 71 in 1890. All the persons tried in Lucknow city, Unao, Bara Banki, Hardoi, Kheri, and Sultánpur were convicted. Out of the persons tried in Sitapur and Fyzabad 88 per cent. and 81 per cent. respectively were convicted.

Railways Act, IV of 1883.

47. There was a considerable falling off in the number of persons tried and convicted during the year under report for breaches of the stamp law, as compared with the figures for the previous year, the figures for the two years being 403 persons tried and 295 convicted in 1891 as against 585 tried and 483 convicted in 1890. The most considerable fallings off were in Bara Banki, Hardoi, Bahraich, Rae Bareli, and Sultánpur. The highest percentages of convictions occurred in Unao (100), Sultánpur (100), Bahraich (94), Partábgarh (85), Lucknow City (81), Lucknow (78), Hardoi (72), Fyzabad (63), and Gonda (60).

Stamp Act, I of 1879.

48. During the year under report the number of persons called upon to give security to keep the peace fell to 2,461 from 2,857 in 1890. Out of these 2,461 persons 1,453 persons, or 59·04 per cent., were finally ordered to furnish security. The percentage was almost the same in 1890, *viz.*, 59. The decrease in the number of persons tried occurred mainly in the following districts:—Partábgarh (143), Hardoi (130), Fyzabad (119), Bara Banki (88), Sultánpur (72).

IMPERIAL RETURN No. III.
Proceedings under Criminal Procedure Code.
Security for keeping the peace.

49. The number of persons called upon in 1891 to give security for good behaviour was 562 as against 644 in 1890. Of this decrease, Hardoi is accountable for 38, Rae Bareli for 37, Bara Banki for 27, and Sitapur for 18.

Security for good behaviour.

The Deputy Commissioners of Hardoi and Sitapur do not explain the cause of the decrease. Colonel Grigg, the Deputy Commissioner of Bara Banki, remarks—"The provisions of Chapter VIII in respect of security for good behaviour were not "put in force to any unusual extent. They were rigorously applied in 1889, when 93 "badmáshes were convicted. Crime was rampant in 1888 and 1889, and it became "necessary to call upon the known bad characters to furnish security. Several of these "cases have come before me on appeal, and I have found the orders passed were "reasonable and proper. One of our worst characters was caught at Benares and was "run in by the Magistrate and Collector. A second, who had his appeal transferred "to another district as he considered me inimical, is languishing in jail. As a rule "these cases are taken up during the touring season."

Mr. Whish, Deputy Commissioner of Rae Bareli, writes—"The most noticeable fluctuation under this head is under the third item, security for good behaviour. "It is gratifying to note this decrease, for I think it shows that the campaign against "the bad characters of the district has not been unfruitful of results. Increased vigilance "and more efficient patrol on the part of the police has had the usual result of causing "an actual emigration from among the criminal population, and I can personally "testify to still more gratifying results, namely, the actual abandonment of crime and

"adoption of an honest livelihood by certain quondam bad characters. I continue per-
"sonally to supervise all proceedings under the bad livelihood sections of the code, and
"I think that I may say that they have been worked with discretion during the
"year."

Proceedings against local nuisances.

50. There was a considerable falling off in the number of persons concerned in local nuisances, and of those in whose cases orders were passed directing the abatement of nuisances, as compared with the figures for the previous year. In 1890 600 persons were charged with being concerned in local nuisances, of whom 333 or 55 per cent. were convicted as against 247 persons charged and 16·2 or 65 per cent. convicted in 1891.

Frivolous or vexatious complaints.

51. The number of persons called upon to pay compensation to accused persons under section 250, Criminal Procedure Code, during the year under report was 388, being 243 more than in the previous year. The districts which show a marked increase as compared with the figures for 1890 are—

Sitapur	+24	Kheri...	+32
Fyzabad	+36	Sultánpur	+33
Partábgarh	+94		

This matter has been referred to in an earlier part of this report.

IMPERIAL RETURN No. IV.
Magisterial work.

52. During the year under report the number of persons under trial rose to 68,326 from 66,700 in 1890. The following table shows how they were disposed of in 1890 and 1891 :—

	1890.	1891.
Died, escaped, or transferred	111	293
Discharged or acquitted	32,262	34,213
Convicted on regular trial	27,573	27,154
„ summary trial	4,631	4,137
Committed or referred	697	833
Remaining under trial	1,426	1,697
Average duration of each case	(Days) 6·96	7·54

The percentage of convictions on the number of persons under trial in 1891 was 45·79, compared with 48·2 in 1890. Five districts were above the provincial average, *viz.*, Lucknow City (62·43), Fyzabad (54·63), Gonda (51·33), Partábgarh (48·53), and Bara Banki (48·19).

The highest percentages obtained in Tahsíldárs' Courts were 48·88 in Unao and 42·58 in Fyzabad; in native Magistrates' Courts, 61·76 in Lucknow City and 59·4 in Partábgarh, and in European Magistrates' Courts, 66·92 in Lucknow City and 62·4 in Fyzabad.

The highest percentages of convictions by benches of Honorary Magistrates were 76·90 in Rae Bareli and 69·56 in Hardoi. Honorary Magistrates sitting singly convicted 54·56 per cent. of persons tried by them in Hardoi.

53. The only officer who makes any observations on this subject is the Deputy Commissioner of Fyzabad. He writes—"The percentage of convictions of the "bench is increased by the bye-laws and section 34 of Act V of 1861 cases in which from "the simplicity of the case conviction is usual. Tahsíldárs and native Assistants show "a low percentage of convictions, but until such tables to show such percentages are "prepared omitting all compoundable offences, no satisfactory conclusion can be "deduced from their examination. The district percentage of convictions has risen "owing to the increased number of theft cases and decreased number of hurt cases, for "convictions are usual in the former, and in the latter compromises are frequent."

54. The working of the different classes of Courts during the years 1890 and 1891 is exhibited in the subjoined comparative statement :—

Classes of Courts.	1890.		1891.	
	Number of persons disposed of.	Percentage on total number of persons disposed of.	Number of persons disposed of.	Percentage on total number of persons disposed of.
Unpaid Magistrates sitting singly	6,950	10·6	6,067	9·1
Benches of Magistrates	9,903	15·1	9,427	14·15
Local and subordinate paid Magistrates ...	13,788	21·1	16,044	24·08
Full-power Magistrates of general jurisdiction. Natives ...	24,598	37·6	25,624	38·45
Full-power Magistrates of general jurisdiction. Europeans...	7,722	11·8	7,536	11·31
Chief Magistrates of districts	1,489	2·2	1,393	2·09
Deputy Commissioners under section 30, Act X of 1882.	824	1·2	538	·8

Local and subordinate paid Magistrates and full-power native Magistrates disposed of a larger portion of criminal work in the year under report than during the previous year, while the amount of work done by European Magistrates in 1891 was almost the same as in 1890. I notice with regret that Deputy Commissioners tried a smaller number of cases in the exercise of their enhanced power, the figures for the two years being 824 and 538 respectively.

In 1891 the 44 Honorary Magistrates who sat singly disposed of 3,241 cases involving 6,067 persons. During the preceding year 3,757 cases in which 6,950 persons were involved were disposed of by 41 Honorary Magistrates.

55. The Honorary Magistrates who decided the largest number of cases during 1891 are named below :—

M. Muhammad Khalil-ullah Khan, Kheri	357
Munshi Ali Bakhsh Khan, Unao	273
Rája Jagmohan Singh, Rae Bareli	263
S. Tasadduk Husain, Kheri	203
Munshi Muhammad Yahia, Bara Banki	194
Rája Partab Bahádur Singh, Partábgarh	183
Munshi Inayat-ulla Khan, Hardoi	143
Pandit Raghubar Dayal, Bara Banki	114
Thakur Surat Singh, Hardoi	102

56. The benches of Honorary Magistrates who disposed of more than 100 cases each during the year under report are detailed below :—

Lucknow City	2,588
Fyzabad	1,241
Rae Bareli	526
Gonda	420
Hardoi	381
Sitapur	245
Kheri	231

57. The Deputy Commissioner of Lucknow mentions the names of the following Honorary Magistrates of the Lucknow Bench as deserving of commendation for their regular attendance :—Lala Bishambhar Nath, Hakim Muhammad, Saiyid Nazir Husain, Babu Murli Manohar Rae Bahádur, Babu Sheo Parshad.

58. The valuable assistance rendered by Honorary Magistrates, whether sitting in benches or singly, is acknowledged by all District Magistrates, with the exception of two, one of whom (Bahraich) finds fault with an Honorary Magistrate, and the other (Bara Banki) with the bench of Honorary Magistrates of his district for great dilatoriness.

59. The following statement shows the work disposed of by Deputy Commissioners in 1891 :—

Names of Deputy Commissioners.	District.	Period during which charge was held.	Number of cases disposed of.		
			Under their ordinary powers.	Under section 30, Criminal Procedure Code.	Under their summary powers.
Mr. F. B. Mulock	Lucknow ...	Nine months	27	12	...
„ C. W. W. Hope		Three months	10	5	2
„ W. H. Cobb			12	6	...
Colonel E. E. Grigg	Bara Banki...	Whole year	65	103	10
Mr. H. H. Butts	Sitapur ...	1st January to 12th April ...	21	11	...
Colonel N. M. T. Horsford ...		13th April to 31st December...	6	13	1
„ T. R. Cowie	Kheri ...	1st January to 6th April ...	4	14	6
Mr. J. Nugent		7th April to 12th November...	29	12	26
Colonel W. P. Harrison ...		13th November to 31st December.	...	1	12
„ N. M. T. Horsford ...	Hardoi ...	1st January to 4th April ...	16	6	...
Mr. H. V. Lovett		5th April to 12th August ...	46	14	9
Colonel T. J. Quin		13th August to 31st December	24	10	2
Mr. A. W. Shakespear ...	Unao ...	Whole year	9	14	1
„ A. Robinson	Fyzabad ...	1st January to 12th March ...	...	5	...
„ R. E. Hamblin		13th March to 31st December	5	15	1
Colonel F. Barrow	Gonda ...	Whole year	13	26	6
Mr. H. W. Gibson	Bahraich ...	Whole year except three weeks	8	40	29
„ F. J. Cook		Three weeks in September ...	1	1	5
„ C. W. Whish	Rae Bareli ...	Whole year	75	15	6
„ P. J. White	Sultánpur ...	1st January to 2nd September and from 4th to 31st December.	11	8	4
„ H. V. Lovett		3rd September to 3rd December.	9	7	4
Colonel Quin	Partábgarh...	1st January to 13th May 1891	2	7	3
Mr. J. Sanders		14th May to 31st December...	11	5	9
		Total for 1891 ...	404	350	136
		„ 1890 ...	708	504	159
		Difference ...	−304	−154	−23

During 1891 Deputy Commissioners disposed of, under their enhanced powers, section 34, Criminal Procedure Code, 350 cases against 504 in the preceding year. The work thus disposed of, though less than in the previous year by 154 cases, is in excess of that of 1888 by 101 cases.

Colonel Grigg, as usual, did excellent work, having disposed of 103 such cases as against 60 in the preceding year.

The amount of criminal work disposed of by Deputy Commissioners under their ordinary powers has also decreased very considerably, being 304 cases less than the figures for 1890.

Mr. Mulock, the Deputy Commissioner of Lucknow, writes with regard to the decrease in the number of cases disposed of under section 34, Criminal Procedure Code—

"The decrease in the number of cases coming before the Deputy Commissioner "is to a great extent due to a number of habitual offenders and badmáshes having "been sentenced to imprisonment, in default of finding security to be of good be- "haviour, and to many more having left the district against whom proceedings had "been commenced under the bad livelihood sections of the law."

The Deputy Commissioner of Fyzabad remarks—"Owing to my finding it "necessary to devote time to becoming acquainted with Oudh laws and customs, I "found I had little leisure for original case work."

The Sessions Judge, Mr. Wyer, notes on above—"Mr. Hamblin has, I know, "had his hands very full of work during the time he has held charge. I am not sure "that it is wise to press the Magistrate to try a large number of cases under his

"enhanced powers. On the whole, I think that the time has almost come for abolish-
"ing these extraordinary powers in Oudh. Such powers are not exercised in the
"rest of the province, *i.e.*, in the North-Western Provinces portion, and I do not see
"why they be retained in Oudh."

The Deputy Commissioner of Bahraich remarks—"My own work under section
"34, Criminal Procedure Code, fell from 50 to 41 cases. Some cases occurred when I
"was a long way from headquarters, and it was more convenient to the public to
"have them tried there."

The Deputy Commissioner of Rae Bareli, who decided only 15 cases under his enhanced powers, writes—

"I suppose that the small amount of original criminal work performed by me
"will be the subject of unfavourable comment; but there seems to have been a general
"consensus of opinion that since the separation of executive and judicial functions
"in Oudh, in April last, District Officers would be only expected to take up such cases
"as they considered it advisable from an administrative point of view to be tried by them,
"so that possibly the figures of other districts may be also low. I have already
"expressed my views on this point in this office memorandum dated 28th October 1891,
"which is in the Judicial Commissioner's office. Since writing this memo. I have so
"far modified my views as to admit that it is desirable that District Officers should
"take up, if possible, all cases of incorrigible offenders under section 75, Indian Penal
"Code. But I cannot believe that it can be the intention of Government that we
"should continue to do any portion of the legitimate work either of our subordinates
"or of the Sessions Court. In fact it can be shown that the Sessions Courts would,
"in common with the general public, suffer if the District Magistrate's time was
"taken up too much by original criminal work. I think the Judge would certainly
"find that he had more appeals, more miscellaneous work, even more original cases,
"certainly worst prepared ones which took up more of his time, if general superin-
"tendence was lax, because the officer who should have been directing and supervising
"others was doing their work. Whatever may be the upshot of this controversy, it is
"to be hoped it will not take the form of requiring a certain numerical standard of
"work per annum. If this were the case an officer who by vigorous administration
"had temporarily stamped out crime in his district might be actually blamed for the
"result! I may add that acquaintance with the characters and work of police officers
"in his district, which is sometimes urged as an argument in favour of a District Officer
"doing original work, I have always looked upon as his most important duty to be done
"in a direct and not an indirect way."

The Deputy Commissioner of Sultánpur thus explains the falling off in the number of cases disposed of by him under section 34, Criminal Procedure Code:—"The
"Deputy Commissioner for his share is generally roundly condemned under this
"table, but the district is an exacting one on the administrative side in the various
"departments, and I am sure that if the time required for vigilance and guidance
"in such directions were curtailed and diverted to the performance of more original
"criminal case work, the efficiency of the administration would suffer and the public
"service would not gain. Of course a reason of this kind *can* be cheaply stigmatized
"as a general excuse for laziness., but the test of its genuineness is the show made
"by the districts in the periodical searching examination of the Commissioner of the
"Division and other inspecting officers." He adds—"I venture to say that a large
"amount of criminal work by the Deputy Commissioner and a sustained, thorough
"supervision on his part of every branch of district administration, such as shall
"make his controlling hand everywhere consistently felt, both these together, are
"unattainable in full measure. The strain can only be tightened on one side by first
"being relaxed on the other. I shall, however, in obedience to the orders of Govern-
"ment, give more time in future to deciding cases under section 34, Criminal Procedure
"Code." * * * *

60. My views on this question will be found expressed in my No. 2436 of December 21st, 1891, and in paragraphs 4 and 5 of my No. 2481, of December 24th, 1891.

Pending cases.

61. The year closed with 657 cases pending against 678 pending at the close of 1890. As in previous years, Hardoi showed the highest number of pending cases, *viz.*, 124. The lowest number pending was at Kheri, 27 cases.

Duration of trial.

62. The average duration of cases was 7·54 as against 6·96 in 1890. It has risen in the Courts of Honorary Magistrates sitting singly from 5·4 to 7·5, in the Courts of Tahsíldárs from 5·4 to 6·16, and in the Courts of native Assistants from 8·8 to 10·9. On the other hand, it has fallen in the Courts of European Assistants from 7·5 to 5·8, in the Courts of Deputy Commissioners in the exercise of ordinary jurisdiction from 6·3 to 3·29, and in cases under section 30, Act X of 1882, from 11·48 to 10·48, and in the benches of Honorary Magistrates from 4 to 3·9 days.

The highest and lowest averages in the different classes of Courts were as follows :—

Classes of Courts.	Provincial average.	Lowest average.		Highest average.	
Benches of Magistrates ...	3·95	Rae Bareli ...	1·23	Kheri ... 6·67	Gonda ... 6·53
Honorary „	7·57	Gonda ...	2·58	„ ... 18·16	Partábgarh 10·38
Tahsíldárs	6·16	Sultánpur ...	2·69	Partábgarh 19·26	Hardoi ... 10·52
Native Assistants	10·94	Bara Banki...	5·50	„ 20·89	Lucknow ... 14·64
European „	5·84	Rae Bareli ...	2·14	„ 13·06	Hardoi ... 10·10
District Magistrates, ordinary jurisdiction.	3·29	Sitapur ...	1·35	Fyzabad ... 13·16	Bahraich ... 10·23
District Magistrates, powers under section 30, Criminal Procedure Code.	10·48	Bara Banki...	2·80	„ ... 37·35	„ ... 15·75

In the Courts of Session the average duration of trials has risen from 50·14 in 1890 to 59·40 days in 1891. This abnormal increase will, I anticipate, be temporary, and is probably attributable to the sudden change of system introduced by Act XX of 1890.

Convictions obtained.

63. The percentages of convictions and committals to the total number of persons disposed of in each district during 1890 and 1891 are shown in the following table :—

	1890.	1891.	Difference.
Partábgarh	47·21	50·96	+3·75
Sultánpur	36·48	39·21	+2·73
Fyzabad	53·54	55·16	+1·62
Bara Banki	50·8	51·7	+·9
Gonda	53·22	54·06	+·84
Rae Bareli	45·17	43·12	−2·05
Sitapur...	44·98	41·92	−3·06
Lucknow City	67·64	64·38	−3·26
Lucknow	51·87	47·81	−4·06
Hardoi	53·83	47·19	−6·64
Bahraich	50·91	44·17	−6·74
Unao	55·01	47·63	−7·38
Kheri	38·	30·	−8·

Eight district percentages are above the provincial average. The percentages of five districts show a small increase, while, on the other hand, eight districts show a decrease as compared with the figures of the preceding year. The falling off in convictions is very marked as regards Kheri, Unao, Bahraich, and Hardoi, and the District Officers have not given any explanation.

64. The percentages of convictions and committals to the number of persons tried by the several classes of Courts during 1890 and 1891 are shown in the subjoined table :—

Classes of Courts.	1890.	1891.	Difference.
Unpaid Magistrates sitting singly	38·34	32·53	−5·81
Benches of Magistrates	62·53	63·58	+1·05
Local and subordinate paid Magistrates	40·61	33·10	−7·51
Full-power Magistrates of general jurisdiction. { Native ...	53·83	51·94	−1·89
{ European ...	44·17	53·58	+9·41
Chief Magistrates of districts	79·85	80·37	+ ·52
Deputy Commissioners under section 34, Criminal Procedure Code	72·81	70·27	−2·54

The decrease in the percentage of convictions occurs mainly in the Courts of Honorary Magistrates and Tahsíldárs, who take cognizance mainly of petty compoundable cases.

Summary trials.

65. There were 3,467 summary trials as against 3,956 in 1890. The Lucknow City Bench tried 1,769 cases summarily and passed 2,255 appealable sentences, of which 5 were appealed. The total number of appealable sentences passed in all districts was 2,312. A very large proportion of the cases summarily tried were offences coming under the head of local nuisances and municipal bye-laws. This accounts for the small number of appeals.

References for enhanced punishment.

66. References to Deputy Commissioners for enhanced punishments rose from 533 in 1890 to 635 in 1891 and were thus disposed of, *viz.*, 583 were confirmed, 16 modified, and 35 reversed.

References of certain cases tried under section 30, Act X of 1882.

67. The cases of 64 persons were referred by Deputy Commissioners to Sessions Judges for confirmation of sentence. In 61 cases the sentences were confirmed and were modified in 3.

IMPERIAL RETURNS NOS. V AND VA. Punishments.

68. The total number of persons who were punished during the year under report was 33,926, as compared with 35,317 in 1890. The detail of punishments awarded is as follows :—

	Number of persons punished.		Percentage on total number of punishments.	
	1890.	1891.	1890.	1891
Transportation	...	8	...	·23
Rigorous imprisonment ...	10,334	10,314	29·2	30·40
Simple „	482	505	1·4	1·5
Forfeiture of property ...	...	1	...	...
Fine	19,873	18,509	59·1	54·56
Whipping	2,475	2,728	5·7	8·04
Persons ordered to give security ...	2,153	1,861	4·4	5·48

The number of persons sentenced to rigorous imprisonment is almost the same in each year. Sentences of fine were fewer by 1,364, while those of whipping rose by 253.

Terms of imprisonment.

69. Percentages of terms of imprisonment for 1890 and 1891 are given below :—

	1890.	1891.
For fifteen days and under	21·2	21·8
„ six months	53·2	52·8
„ two years	22·5	23·4
Over „	3·0	2·7

In the case of nine juvenile offenders the sentences were commuted to detention in the reformatory school at Bareilly.

Whipping.

70. The percentages of sentences of whipping in 1890 and 1891 were as follow :—

	1890.	1891.
10 stripes and under	35·9	48·9
20 „ „	47·2	42·3
30 „ „	16·7	8·7

71. Sessions Judges and Magistrates are unanimous in the opinion that whipping is the most suitable punishment for certain classes of offences, and the Deputy Commissioners of Sitapur, Hardoi, Gonda, and Bahraich have noticed with dissatisfaction the decrease, in their districts, in the number of sentences of whipping inflicted by

subordinate Magistrates. The Deputy Commissioner of Hardoi remarks—"I think "that whipping is still not sufficiently inflicted. But G. O. No. 667, of 11th Septem- "ber 1867, leaves a loophole for Magistrates who are timid regarding the feelings "of their co-religionists to spare all persons who do not belong to the very lowest "classes. A Hindu Magistrate will hardly ever whip a Brahman, Thakur, or Bania, "however bad a character the latter may be, nor will a Muhammadan Magistrate whip "the most hardened criminal if he belongs to any but the more degraded classes, *e.g.*, "butchers, behnas, and kunjras, &c."

Persons fined.

72. The total number of persons fined fell from 19,873 in 1890 to 18,509 in the year under report. There was a decrease of 1,446 persons fined "Rs. 10 and under" and of two persons fined "Rs. 1,000 and under," and an increase of 79 persons fined "Rs. 50 and under," of 2 persons fined "Rs. 100 and under," and of 3 persons fined "Rs. 500 and under" as compared with the figures for 1890. The Lucknow City Bench fined 2,647 persons in 1891 as against 2,859 in the previous year.

Fines imposed and realized.

73. The total amount of fines imposed during the year under report was Rs. 96,799-0-7, as compared with Rs. 99,274-2-0 in 1890. But the percentage of realizations was much better in 1891 than in the preceding year, the figures for the two years being 86·5 and 78·4 per cent. respectively.

The district percentages of realizations were—

Sultánpur	92·22
Bahraich	90·9
Bara Banki	90·68
Sitapur	87·98
Lucknow City...	87·72
Partábgarh	86·81
Hardoi	86·57
Kheri	84·
Gonda	81·57
Fyzabad	80·44
Rae Bareli	78·89
Unao	73·15
Lucknow	71·34

The large proportions of fines realized show that sentences of fines are judiciously inflicted by Magistrates. The Lucknow City bench realized Rs. 2,714 out of Rs. 2,901 imposed as fines.

Outstanding fines.

74. The amount of outstanding fines at the close of the year under report was Rs. 10,507, as compared with Rs. 10,390 at the close of 1890. The heaviest outstandings were at Lucknow City (Rs. 3,975), Partábgarh (Rs. 2,016), and Fyzabad (Rs. 1,427).

Compensation paid.

75. The total amount of compensation awarded to injured persons during 1891 was Rs. 13,487, out of Rs. 83,755, the amount of fines realized, being 16 per cent. as compared with 17·3 per cent. in 1890.

Habitual offenders.

76. During the year 1,407 habitual offenders were brought to trial as compared with 1,399 in 1890. The percentages of persons who had been convicted once before and of those who had been convicted oftener were 66·31 and 33·69 respectively, as compared with 59·1 and 40·9 in the previous year.

IMPERIAL RETURN No. VI.
Appeals to Deputy Commissioners.

77. The number of appellants to Deputy Commissioners decreased from 1,274 in 1890 to 1,191 in the year under report. Appeals were rejected or sentences confirmed in the cases of 773 persons or 64·9 per cent. The sentences passed on 144 persons or 12·09 per cent. were reduced or otherwise altered, and on 222 persons or 18·6 per cent. were reversed. Proceedings were quashed in the case of 1 person, and new trial or further enquiries were ordered with regard to 20 persons. The appeals of 31 persons remained pending

at the close of the year. The average duration of each appeal was 10·25 days as compared with 8·79 days in 1890.

Revision and supervision.

78. In 1891 applications for revision made to Deputy Commissioners under section 435, Criminal Procedure Code, numbered 433 as against 450 in the previous year. Of the 951 persons concerned in these 433 applications, sentences were confirmed or applications were rejected as regards 760 persons or 80 per cent., the sentences were reversed, modified, or proceedings quashed with regard to 13 persons, and a new trial or further inquiry was ordered in respect of 149 persons. The cases of 16 persons were referred to the Judicial Commissioner, and applications involving 13 persons remained pending at the close of the year. During 1891 Deputy Commissioners called for and inspected the records of 1,628 cases connected with 2,691 persons. Twenty cases involving 28 persons were referred to this Court.

Colonel Grigg called up 368 cases, and Colonel Quin and Mr. Sanders, Deputy Commissioners of Partábgarh, called up 262 cases. Mr. P. J. White called up 244 cases.

Witnesses examined.

79. During the year 108,451 witnesses were examined in the Courts of Magistrates, being 1,729 less than the number examined in the preceding year; 94 per cent. of the witnesses thus examined were discharged on the day on which they attended, and 5,325 or 4·9 per cent. were discharged on the second day of attendance. Only 120 witnesses are said to have been detained more than 2 days.

Witnesses dieted.

80. The number of witnesses who received diet money and road expenses in 1891 decreased by 2,484, as compared with the figures for 1890. The following table shows the number of witnesses dieted and the amount paid to them during the past two years :—

	Number of witnesses.	Total cost.	Average cost per witness.
		Rs.	Rc. a. p.
1890	61,404	29,550	0 7 8
1891	58,920	27,990	0 7 5

It will be seen that the payments made to witnesses have decreased almost in proportion to the decreased number of witnesses whose expenses were paid, the average per head having only slightly fallen off by about 3 pie.

The variations in different districts are pretty nearly the same as in the preceding year.

Weeding records.

81. The work of weeding the records of Criminal Courts has received proper attention during the year under report. In Lucknow no less than 11,084 A and 2,175 B files were weeded, and the reports from other districts show that work is up to date.

Imperial Return No. IV. Sessions Courts.

82. The six Sessions Judges disposed of 431 cases involving 764 persons as compared with 321 cases and 530 persons in the previous year. The following comparative statement shows the work of the Sessions Courts during 1890 and 1891 :—

Sessions Courts.	Disposed of.				Pending at the close of—				Average duration of each case from date of commitment.	
	1890.		1891.		1890.		1891.			
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	1890.	1891.
Lucknow	116	175	103	155	15	22	9	18	46	47·
Sitapur	68	113	59	96	14	24	8	8	48	91·
Hardoi	...	...	73	142	...	...	9	14	...	57·
Fyzabad	75	135	34	62	10	20	5	9	54	44·
Gonda	...	...	85	153	...	...	10	10	...	54·
Rae Bareli ...	62	107	77	156	6	14	9	14	48	66·

The year under report closed with 50 cases pending as compared with 45 that remained pending at the close of 1890. Out of the 8 cases pending at Sitapur 3 cases relate to lunatics, two of whom were sent to the Lunatic Asylum so far back as 1887 and 1888, and 1 was sent to the Lunatic Asylum in 1891. Out of 9 cases pending at Lucknow, 7 cases were received towards the end of October and November, and the 5 cases pending at Fyzabad were received on or after the 10th December and could not be fixed for hearing before the close of the year. The average duration of sessions trials in Sitapur has risen from 48 in 1890 to 91 days in 1891, and in Rae Bareli from 48 in 1890 to 66 days in 1891, while, on the other hand, it has decreased by 10 days in Fyzabad.

83. The sentences passed by Sessions Judges during the years 1890 and 1891 are shown in the subjoined table :—

IMPERIAL RETURN No. V.
Punishments.

	1890.	1891.
Death	42	21
Transportation	154	80
Rigorous imprisonment	179	285
Simple „	3	5
Fine	19	33
Whipping...	9	6

The most noteworthy feature of the above statement is that the great decrease in the number of capital sentences and of sentences of transportation passed by the new tribunals is just counterbalanced by an almost equal increase in the number of sentences of rigorous imprisonment.

Out of Rs. 8,093, being the amount of fines imposed during the year under report, Rs. 1,239 or 15 per cent. were realized and Rs. 205 were paid as compensation to injured persons, the figures for the preceding year being Rs. 710 fines imposed and Rs. 1,390 realized. No portion of the fines realized was paid to injured parties by way of compensation in 1890.

84. There were 46 trials by jury in the Lucknow Sessions Court against 32 in 1890. In 45 of these cases the Judge approved of the verdict of the jury; and in 1 case he made a reference, under section 263, Criminal Procedure Code, to the Judicial Commissioner. Out of 334 cases tried in Sessions Courts with the aid of assessors, in 241 the Sessions Judge agreed with the assessors and in 93 he disagreed with them.

IMPERIAL RETURN No XIII.
Trials by jury and with assessors.

85. In 1891 Sessions Judges examined 4,819 witnesses, being 1,147 more than the number examined in the previous year. Rs. 6,236 were paid to 4,056 witnesses as diet money and travelling expenses, the average cost per witness being Re. 1-8-7 as against Re. 1-7-10 in 1890 and Re. 1-10-6 in 1889.

Witnesses examined.

86. During the year appeals by 3,223 persons as against 3,011 in 1890 came before Sessions Judges. Of these the appeal was rejected or the sentence confirmed in the cases of 2,415 persons, or a little over 74 per cent. The sentences passed on 183 persons were modified and were reversed in the cases of 346 persons. Proceedings were quashed in 6 cases, and a new trial or further enquiry was ordered in the cases of 124 persons. Three cases were referred for revision to this Court, and 155 cases remained pending at the close of the year.

IMPERIAL RETURN No. VI.
Appeals.

87. The average number of days during which each appeal lasted was 16·31 days as against 11·27 in 1890. The highest average duration was 25 days in the Sessions Court of Rae Bareli, and the lowest was 4 days in the Sessions Court of Hardoi. I can hardly believe that this last mentioned figure is correct. Further enquiry respecting it will be made when Colonel Cowie returns from leave next month. As the Sessions Judge of Rae Bareli has three revenue districts within his Sessions

Division, and has to hold no less than 20 sessions during the year, he cannot be expected to dispose of appeals quickly. I am inclined to think that this Sessions Judge has more criminal work on his hands than he can well do, regard being had to his other work. Probably I shall submit a separate report on this matter to Government.

Revision.

88. Applications for revision were made to Sessions Judges by 324 persons in 1891 as against 250 in the preceding year. The number of persons concerned in these 324 applications was 484, as compared with 404 in 1890.

The applications were rejected or sentences were confirmed with regard to 365 persons or 75 per cent. Nine sentences were reversed. New trial or further enquiry was ordered in the cases of 44 persons, and the cases of 18 persons were referred for revision to this Court. Forty-eight applications remained pending at the end of the year.

89. No cases were called up *suo motu* and inspected by Sessions Judges during the year under report. The Sessions Judge of Gonda says—"My predecessor had his "hands full in starting the Judgeship. I only took charge at the close of the year "myself." The other Judges are silent as to this matter.

Court of Judicial Commissioner, Oudh.

90. The subjoined table shows the number of persons dealt with by the Judicial Commissioner during 1891 :—

Reports for confirmation of capital sentence	20
Appeals	289
Applications for revision by parties	249
References by Sessions Judges and Deputy Commissioners	89
Cases called for *suo motu* by the Judicial Commissioner	32

The capital sentences passed upon 14 persons were confirmed, and in the case of 1 person the sentence was modified to one of transportation for life. Five persons were acquitted. Since the passing of Act XIV of 1891 these references for confirmation of capital sentences are heard by the Judicial Commissioner and Additional Judicial Commissioner sitting together.

91. The office of Judicial Commissioner was held by—

Mr. W. Young, C.S.I., from 1st January to 27th May 1891.
„ W. R. Burkitt from 28th May to 6th July 1891.
„ W. Young, C.S.I., from 7th July to 15th December 1891.
„ W. R. Burkitt from 16th to 31st December 1891.

and the office of Additional Judicial Commissioner was held by—

Mr. J. Dyson from 1st January to 7th March 1891.
„ W. R. Burkitt from 8th March to 27th May 1891.
„ M. S. Howell, C.I.E., from 28th May to 6th July 1891.
„ W. R. Burkitt from 7th July to 15th December 1891.

I have the honor to be,

SIR,

Your most obedient servant,

W. R. BURKITT,

Judicial Commissioner.

IMPERIAL RETURN No. I.—(Civil and Criminal).

Showing the number of judicial divisions and the number of officers exercising original or appellate jurisdiction in the Province of Oudh on the last day of the year 1891, *with the cost of tribunals.*

Name of province.	Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction.					Total number of cases decided.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.		
						Judges of Chief Court of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.	Original.		Appeals.						
											Regular.	Miscellaneous.	Regular.	Miscellaneous.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
Territory subject to the Judicial Commissioner of Oudh.															Rs.	Rs.	Grades of Judicial Officers.	European.	Native.
Civil...	23,992 square miles.	11,407,625.	6 divisions.	12 districts.	...	...	...	...	...	...	62,641	33,567	2,973	673	10,47,796	14,05,507			
Criminal						...	...	...	...	...	38,117	2,071	3,811	954					
Revenue (Rent)						...	...	...	...	...	...	...	...	...	...	...	Officers exercising both original and appellate jurisdiction. — Judicial Commissioners...	2	...
Charges incurred by the Public Works Department on account of buildings.						...	...	...	...	...	...	...	...	...	...	23,866	District & Sessions Judges	5	1
																	Additional Judges ...	...	...
																	Sub-Judges ...	1	11
																	Officers exercising original jurisdiction only. — Small Cause Court Judges.	...	1
Total ...	...	...	...	...	...	2	6	12	74	185	100,758	35,638	6,784	1,627	10,47,796	14,29,373	Munsifs	...	25

For Home, Revenue, and Agricultural Department.

	European.	Native.
Judicial Commissioners	2	...
Deputy Commissioners	12	...
District and Sessions Judges	5	1
Subordinate Judges	1	11
Assistant Commissioners	10	1
„ Settlement Officers...	1	...

	European.	Native.
Deputy Collectors	3	44
City Magistrates	1	...
Cantonment Magistrates	2	...
Tahsíldárs	...	43
Munsifs	...	25
Judges, Small Cause Court	...	1
Honorary Assistant Commissioners	6	117
Total ...	43	243

IMPERIAL RETURN No. II.—(CRIMINAL).

Statement of offences reported and persons tried, convicted, and acquitted of each class of offence in the Province of Oudh in the year 1891.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.	Remaining under trial.	Remarks.
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	...	...	...	...	...	...	...	...	
„ relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	
„ against the public tranquillity, Chapter VIII	531	351	363	2,180	848	1,021	6	305	
„ by or relating to public servants, Chapter IX	81	53	55	82	30	45	1	6	
Contempt of the lawful authority of public servants, Chapter X	785	687	706	1,316	406	781	2	47	
False evidence and offences against public justice, Chapter XI	505	422	440	612	266	323	2	21	
Offences relating to coin and Government stamps, Chapter XII	92	80	83	88	33	54	...	1	
„ „ weights and measures, Chapter XIII	60	55	55	69	39	29	...	1	
„ affecting the public health, &c., Chapter XIV	297	259	259	428	115	309	...	4	
„ relating to religion, Chapter XV	90	41	42	77	55	15	1	6	
Offences affecting the human body, Chapter XVI. — Offences affecting life	647	577	610	883	320	472	7	84	
Causing of miscarriage, injury to unborn children, exposure of infants, and the concealment of births.	72	55	55	64	18	46	...	...	
Hurt	11,445	7,497	7,673	16,609	13,293	2,847	5	464	
Wrongful restraint and wrongful confinement	345	130	133	298	261	30	...	7	
Criminal force and assault	3,134	2,006	2,059	4,398	3,494	792	3	109	
Kidnapping or forcible abduction, slavery, forced labour, and buying or selling a minor for the purpose of prostitution.	179	73	75	144	41	91	6	6	
Rape	82	44	47	58	31	25	...	2	
Unnatural offence	44	32	36	41	17	18	1	5	
Offences against property, Chapter XVII. — Theft	8,727	6,456	6,533	8,390	2,127	6,171	17	75	
Extortion	225	54	58	110	75	32	...	3	
Robbery and dakaiti	266	144	150	373	206	163	1	3	
Criminal misappropriation of property	133	92	92	126	37	83	...	6	
„ breach of trust	337	189	197	241	120	103	1	17	
Receiving stolen property	1,376	1,336	1,351	1,890	489	1,377	4	20	
Cheating	340	128	133	193	123	53	4	13	
Fraudulent deeds and disposition of property	10	4	4	7	7	...	...	...	
Mischief	2,025	1,117	1,150	2,399	1,821	486	3	89	
Criminal trespass	5,305	3,700	3,784	5,969	2,767	3,059	16	127	
Offences relating to documents and to trade or property marks, Chapter XVIII	70	31	35	58	39	14	2	3	
Criminal breach of contract of service, Chapter XIX	8	3	3	4	4	...	...	...	
Offences relating to marriage, Chapter XX	1,442	835	875	1,063	885	144	2	32	
Defamation, Chapter XXI.	431	168	171	238	195	35	...	8	
Criminal intimidation, insult, and annoyance, Chapter XXII	333	167	170	344	276	51	1	16	
Offences under the Criminal Procedure Code and offences against special and local laws ...	12,225	10,684	10,785	19,579	6,051	13,024	214	290	
Total ...	51,642	37,470	38,182	68,331	34,569	31,693	299	1,770	

JUDICIAL STATEMENT

Showing the general result of the trial of European British subjects

Description of offence.	Number of persons accused and brought before a Magistrate.						Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Persons whose cases were disposed of.													
		Within the year.							By District Magistrates and other 1st class Magistrates.						By Courts of Session.					By High Court.		
	Remaining at the close of the previous year.	On complaint, section 191(a), Criminal Procedure Code.	On police report, section 191(b), Criminal Procedure Code.	By Magistrate *suo motu*, section 191(c) of the Code.	On transfer from other provinces.	Total.			Received by transfer under section 451(b) of the Code.	Convicted.	Acquitted or discharged.	Committed		Transferred by order under section 451(b) of the Code.	Total, omitting entries in columns 10 and 15.	Received by transfer under section 451(b) of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 499 of the Code.	Total, exclusive of column 17.	Convicted.	Acquitted or discharged.	Total.
												To Courts of Sessions.	To High Court.									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Mse evidence, section 193, Indian Penal Code.	...	...	...	1	...	1	...	1	...	1	...	...	...	...	1	...	...	..	...	...	...	...	...
Voluntarily causing hurt, section 323, Indian Penal Code.	...	5	...	...	...	5	...	5	...	4	1	...	..	...	5	...	...	...	...	...	...	...	...
Using criminal force otherwise than on grave provocation, section 352, Indian Penal Code.	...	3	...	...	...	3	...	3	...	...	3	...	...	...	3	...	...	...	...	...	...	...	...
Theft in dwelling house, &c., section 380, Indian Penal Code.	...	...	2	...	...	2	...	2	...	2	...	...	...	...	2	...	...	...	...	...	...	...	...
Marrying again during the lifetime of wife, section 494, Indian Penal Code.	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...
Intentional insult with intent to provoke a breach of the peace, section 504, Indian Penal Code.	...	3	...	...	...	3	...	3	...	2	1	...	..	...	3	...	...	...	...	...	...	...	...
Nuisance, section 34, Act V of 1861 ...	...	...	6	...	...	6	...	6	...	6	..	...	...	...	6	...	...	...	...	...	...	...	...
Gaming, section 13, Act III of 1867 ...	...	...	1	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...
Total ...	...	12	9	1	...	22	...	22	...	16	6	...	...	...	22	...	...	...	...	...	...	...	...

No. IIA.—(CRIMINAL).

in the Courts of the Province of Oudh during the year 1891.

Total for all Courts.				Number of cases.						SUBSIDIARY TABLE.									
Convicted.	Acquitted or discharged.	Total.	Number of persons under trial.	Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court from order under section 456 of the Code.	Of those entered in column 5, number who applied under section 21, Act III of 1884, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.	35							36			
										Of the total number of persons shown in—							Of cases shown in column 30.			
										Column 16.		Column 17.		Columns 21 and 22.			Disposed of by Magistrates.		Disposed of by Sessions Judges.	
										Number who claimed to be tried by a mixed jury, section 451A(1) of the Code.	Number who did not so claim.	Number of those in column 35(1) whose cases were transferred under section 451 of the Code.	Number who claimed a mixed number of assessors, section 451(2) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury, section 451(1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
25	26	27	28	29	30	31	32	33	34	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	...	1	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
4	1	5	...	5	5	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	3	3	...	2	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2	...	2	...	2	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	1	1	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2	1	3	...	1	1	...	...	...	...	...	...	...	...	...	...	...	19	...	...	...
6	...	6	...	6	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1	...	1	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
16	6	22	...	19	19	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

IMPERIAL RETURN No. III.—(CRIMINAL).

Statement of miscellaneous proceedings under the Code of Criminal Procedure in the province of Oudh during the year 1891.

Nature of proceedings.	Total number of cases held before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1. Proceedings against witnesses under Chapter VIc. and section 485 of Chapter XXXV	1	1	...	1	
2. „ under Chapter VIII to prevent breach of the peace	725	2,558	1,008	1,453	
3. „ „ security for good behaviour	423	592	151	411	
4. „ against local nuisances, Chapter X	123	261	85	162	
5. Possession, Chapter XII	67	183	110	64	
6. Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 460	377	390	2	388	
7. Non-attendance of jurors or assessors, Chapter XXII, section 332	22	28	12	16	
8. Maintenance, Chapter XXXVI	781	782	583	185	
9. Forfeiture of bail or recognizance under Chapter XLII	55	73	37	31	
Total	2,574	4,868	1,988	2,711	

IMPERIAL RETURN No. IV.—(CRIMINAL).

Statement showing the general result of criminal trials in the tribunals of various classes in the Province of Oudh in the year 1891.

Classes of Courts.	Total number of persons under trial.	Died, escaped, or transferred to another province.	Persons whose cases were disposed of.				Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
			Discharged or acquitted.	Convicted—		Committed or referred.					
				On regular trial.	On summary trial.						
1	2	3	4	5	6	7	8	9	10	11	12
Unpaid Magistrates sitting singly	6,307	5	4,088	1,970	2	2	240	3,241	7·57	7,995	
Benches of Magistrates	9,519	1	3,432	3,739	2,255	...	92	5,632	3·95	5,247	
Local and subordinate paid Magistrates	16,298	3	10,729	5,312	...	...	254	7,943	6·16	15,504	
Full-power Magistrates of general jurisdiction. Natives	26,408	270	12,046	11,981	724	604	783	15,113	10·94	59,127	
Full-power Magistrates of general jurisdiction. Europeans	7,854	5	3,493	2,923	969	146	318	4,433	5·84	14,651	
Chief Magistrates of districts	1,381	5	264	904	187	16	5	543	5·57	1,800	
Deputy Commissioners under section 34, Act X, 1882 ...	560	4	161	325	...	65	5	350	10·14	2,820	
Total Magistracy ...	68,327	293	34,213	27,154	4,137	833	1,697	37,255	7·54	107,144	
Sessions Judges	837	6	356	402	...	...	73	431	59·40	4,864	

IMPERIAL RETURN No. V.—(CRIMINAL).

Showing the punishments inflicted by the various criminal tribunals in the Province of Oudh in the year 1891.

Classes of Courts.	Persons sentenced to—								Persons ordered to find or give security or recognizance to keep the peace or securities for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishment.																	
				Imprisonment.							Fine.								Imprisonment.					Whipping.				
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.			Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes.	20 stripes.	30 stripes.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. a. p.	Rs. a. p.	Rs. a. p.									
Honorary Magistrates sitting singly.	...	...	...	698	41	...	1,086	159	10	...	982	102	2	...	...	...	5,556 4 3	5,214 2 5	666 10 0	264	439	36	...	...	78	55	26	...
Bench Magistrates ...	...	...	...	196	13	...	6,024	9	...	...	5,959	63	2	...	...	...	5,746 6 1	5,288 13 9	415 4 0	96	113	...	...	...	8	1	...	...
Stipendiary Magistrates sitting singly.	...	...	...	8,868	438	1	11,167	2,041	1,692	261	9,588	1,470	78	30	1	...	81,096 12 3	68,565 2 10	10,941 10 4	1,970	4,997	2,338	1	...	950	926	168	6
District Courts—Cases decided under section 34, C. P. C.	...	8	...	299	3	...	49	38	...	...	16	27	4	1	1	...	2,006 0 0	2,260 10 0	1,274 7 0	2	28	64	208	...	8	20	10	...
Chief Magistrates of districts.	...	...	...	253	10	...	183	478	159	70	137	41	5	...	...	...	2,393 10 0	2,427 2 0	189 7 0	28	125	95	15	...	291	152	35	3
Total ...	...	8	...	10,314	505	1	18,509	2,728	1,861	331	16,682	1,703	91	31	2	...	96,799 0 7	83,755 15 0	13,487 6 4	2,360	5,702	2,533	224	...	1,335	1,154	239	9
Courts of Sessions Judges	21	79	...	281	5	...	31	6	...	...	4	17	3	5	1	1	8,093 15 0	1,239 12 0	205 0 0	1	29	70	170	16	1	3	2	...

IMPERIAL RETURN No. VA.—(CRIMINAL).

PART I.

Showing whippings inflicted under sections 2 and 3, Act VI, 1864, in lieu of other punishments.

Offences for which awarded.	Number of stripes awarded.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
IN LIEU OF OTHER PUNISHMENTS.														
(SECTIONS 2 AND 3, ACT VI, 1864.)														
1. Theft as defined in ... Sec. 376, I. P. C. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
„ 377 „ ..	...	...	...	...	...	...	...	...	...	...	...	...	...	
„ 378 „ ...	140	4	490	3	308	7	192	5	27	2	47	8	1,233	
„ 380 „ ...	35	...	159	1	100	6	53	2	8	1	4	1	370	
„ 381 „ ...	5	...	11	1	11	...	8	...	...	...	4	...	40	
„ 382 „ ...	...	...	1	...	...	...	...	...	...	...	4	...	5	
2. Extortion as defined in ... „ 388 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
„ 389 „ ...	...	...	...	...	1	...	...	...	...	...	...	...	1	
3. Punishment for robbery ... „ 392 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
4. Dishonest misappropriation of property as defined in ... ... „ 403 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
5. Criminal breach of trust as defined in ... ... „ 406 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
6. Dishonestly receiving stolen property as defined in ... „ 411 „ ...	19	1	84	...	65	...	39	...	9	...	17	...	234	
„ 412 „ ...	...	...	1	...	3	...	5	...	2	...	...	...	11	
7. Lurking house trespass as defined in „ 443 „ ...	2	...	9	...	5	...	4	...	5	...	15	...	40	
8. „ „ by night as defined in ... ... „ 444 „ ...	2	...	12	...	13	1	10	...	7	...	6	1	52	
„ 454 „ ...	7	...	21	...	14	1	33	...	6	...	2	...	84	
9. House-breaking as defined in ... „ 445 „ ...	1	...	24	...	24	...	16	2	...	...	2	...	69	
10. House-breaking by night as defined in ... ... „ 446 „ ...	4	...	12	...	45	...	19	1	10	...	7	...	98	
Lurking house-trespass as defined in... „ 448 „ ...	...	...	1	...	...	...	1	...	...	...	...	...	2	
House-breaking as defined in ... „ 456 „ ...	1	...	4	...	2	...	...	...	...	...	...	...	7	
Offences under section 457, Indian Penal Code ...	12	...	46	...	23	...	16	...	3	2	1	...	103	
„ „ Act XXVII, 1871, section 19 ...	2	...	...	...	...	...	...	...	...	...	...	...	2	
„ „ Act III, 1880, sections 14 and 325 ...	...	...	...	...	1	...	...	...	...	...	...	...	1	
„ „ section 126, Act IX of 1890 ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Theft as defined in section 379, Indian Penal Code ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
House-breaking by night as defined in sections 454 and 457, Indian Penal Code. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	230	5	875	5	615	15	396	10	77	5	109	10	2,352	

IMPERIAL RETURN No. VA.—(CRIMINAL).

PART II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI, 1864.

Offences for which awarded.	Number of stripes. 5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	Remarks.
1	2	3	4	5	6	7	8	9
IN ADDITION TO OTHER PUNISHMENTS.								
(SECTIONS 3 AND 4.)								
A.—Section 3.								
1. Theft as defined in ... ... Sec. 378, I.P.C.	...	8	26	14	6	7	61	
„ 379 „ ...	...	2	...	...	...	...	2	
„ 380 „ ...	4	...	6	6	2	...	18	
„ 381 „ ...	...	...	1	...	...	...	1	
„ 382 „ ...	...	...	...	...	...	...	...	
2. Extortion as defined in ... ... „ 388 „ ...	...	...	...	...	...	...	...	
„ 389 „ ...	...	...	1	...	1	...	2	
3. Dishonestly receiving stolen property as defined in ... ... „ 411 „ ...	...	1	2	...	...	3	6	
„ 412 „ ...	...	...	...	...	...	...	...	
4. Lurking house, trespass as defined in ... „ 443 „ ...	...	...	1	2	...	1	4	
5. „ „ by night as defined in ... ... „ 444 „ ...	...	...	2	2	...	4	8	
6. House-breaking as defined in ... ... „ 445 „ ...	...	...	...	...	...	...	...	
7. „ by night as defined in ... „ 446 „ ...	...	...	6	5	...	7	18	
8. Offences under section 14, Act III, 1880	...	2	...	...	...	...	2	
B.—Section 4.								
1. False evidence as defined in ... ... Sec. 193, I.P.C.	...	...	1	...	...	...	1	
„ 194 „ ...	...	...	...	...	...	...	...	
„ 195 „ ...	...	...	...	...	...	...	...	
2. False charge of unnatural offences as defined in ... ... „ 211 „ ...	...	...	...	...	...	...	...	
„ 377 „ ...	...	...	...	...	...	...	...	
3. Assault as defined in ... ... „ 354 „ ...	...	...	...	...	...	...	...	
4. Rape as defined in ... ... „ 375 „ ...	...	...	...	...	...	...	...	
5. Unnatural offence as defined in ... „ 377 „ ...	...	...	...	...	...	...	...	
6. Robbery as defined in ... ... „ 390 „ ...	...	...	...	...	...	1	1	
7. Dakaiti as defined in ... ... „ 391 „ ...	...	...	...	...	...	1	1	
8. Attempt at robbery as defined in ... „ 393 „ ...	...	...	...	...	...	...	...	
9. Hurt in committing robbery as defined in „ 394 „ ...	...	...	...	...	...	...	...	
10. Receiving stolen property as defined in ... „ 413 „ ...	...	...	...	...	...	...	...	
11. Forgery as defined in ... ... „ 463 „ ...	...	...	...	...	...	...	...	
11. „ ... ... „ 466 „ ...	...	...	...	...	...	...	...	
„ 467 „ ...	...	...	...	...	...	...	...	
„ 468 „ ...	...	...	...	...	...	...	...	
„ 469 „ ...	...	...	...	...	...	...	...	
12. Lurking house trespass as defined in ... „ 443 „ ...	...	...	...	...	...	...	...	
13. „ „ by night as defined in „ 444 „ ...	...	...	...	...	...	...	...	
14. „ „ as defined in ... „ 454 „ ...	1	1	...	...	...	...	2	
15. House-breaking by night as defined in ... „ 446 „ ...	...	...	...	...	...	...	...	
Offences under section 19, Act XXVII, 1871	107	55	9	...	1	...	172	
House-breaking by night as defined in ... Sec. 457 I.P.C.	...	...	1	1	...	...	2	
Total ...	112	69	56	30	10	24	301	

IMPERIAL RETURN No. VA.—(CRIMINAL).

PART III.

Showing whippings inflicted under section 5, Act VI, 1864, on juveniles for offences other than those specified in Parts I and II.

Offences.	Stripes.												Total.	Remarks.
	5 & under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Section 20, Act VI of 1878	...	...	...	...	...	...	...	...	...	...	...	...	...	
False evidence as defined in section 193, Indian Penal Code ...	...	...	...	...	1	...	...	...	...	...	...	...	1	
Criminal breach of trust by a clerk or servant under section 408, Indian Penal Code.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Punishment for cheating, section 417, I. P. C. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Voluntarily causing hurt, „ 323 „ ...	...	...	...	...	1	...	...	...	...	...	...	...	1	
Punishment for voluntarily causing hurt by dangerous weapons or means, „ 324 „ ...	1	...	1	...	...	...	...	...	...	...	...	...	2	
Resistance or obstruction by a person to his lawful apprehension, „ 324 „ ...	...	...	...	...	1	...	...	...	...	...	...	1	2	
Punishment for voluntarily causing grievous hurt, „ 325 „ ...	...	...	1	...	2	...	1	...	...	...	...	...	4	
Dakaiti as defined in „ 395 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Assault or use of criminal force to a woman with intent to outrage her modesty, „ 354 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Assault „ 355 „ ...	...	...	...	...	1	...	...	...	...	...	...	...	1	
Criminal breach of trust, „ 406 „ ...	...	...	...	...	2	...	1	...	...	...	...	...	3	
„ 240 „ ...	...	...	1	...	...	...	...	...	...	...	...	...	1	
Rape, „ 376 „ ...	...	...	...	...	2	...	1	...	...	...	...	...	3	
Voluntarily causing grievous hurt, „ 326 „ ...	...	...	1	...	...	...	...	...	...	...	...	...	1	
Unnatural offence, „ 377 „ ...	1	...	2	...	...	...	1	...	2	...	...	...	6	
Theft as defined in „ 379 „ ...	1	...	...	...	1	...	...	...	...	...	...	...	2	
Delivery of Queen's coin possessed with the knowledge that it is altered, „ 254 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Dishonest misappropriation of property „ 403 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
„ 414 „ ...	...	...	1	...	...	...	...	...	...	...	...	...	1	
Rioting, „ 147 „ ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Mischief by fire, „ 436 „ ...	...	...	...	...	1	...	...	...	...	...	...	...	1	
House-breaking as defined in „ 454 „ ...	...	...	...	...	...	...	1	...	...	...	...	...	1	
Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment, „ 457 „ ...	...	...	...	...	1	...	...	...	...	...	...	...	1	
Attempt to commit suicide „ 309 „ ...	1	...	...	...	...	...	...	...	...	...	...	...	1	
Section 18, Act III, 1867	...	...	6	...	...	...	...	...	...	...	...	...	6	
Total ...	4	...	13	...	13	...	5	...	2	...	...	1	38	

IMPERIAL RETURN No. VA.—(CRIMINAL).

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments.

Punishments.	Number.	Remarks.
1	2	3
(1) Total number of whippings awarded... ...	2,691	
(2) Total number of other punishments in cases in which whipping might have been awarded.	8,567	
(3) Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2).	11,258	
(4) Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	19·29	

IMPERIAL RETURN No. VI.—(CRIMINAL).

Showing the result of appeals and revisions in Criminal cases in the Province of Oudh during the year 1891.

Tribunals.	Total number of appellants and applicants before the Courts.	Number of persons.										Average number of days during which each appeal lasted.	Remarks.
		Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiries ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of Districts ..	1,191	...	103	670	...	144	222	1	20	...	31	10·25	
To Sessions Courts	3,223	1	1,346	1,059	...	183	346	6	124	3	155	27·12	
Superior Courts — By persons convicted	325	...	68	147	...	27	41	...	...	...	42	32·49	
Superior Courts — By Government ...	6	...	...	...	...	...	6	...	...	...	...	18·	
Total ...	4,745	1	1,517	1,876	...	354	615	7	144	3	228	24·08	
Revisions.													
By Chief Magistrates of Districts ...	92	...	656	104	...	4	8	1	149	16	13	9·98	341 applications by 352 complainants against 859 accused.
By Courts of Sessions	218	...	216	149	...	...	9	...	44	18	48	23·52	93 „ „ 106 „ „ 266 „
By Superior Courts	317	...	112	164	3	11	67	9	4	...	26	22·52	51 „ „ 51 „ „ 79 „
Total ...	627	...	984	417	3	15	84	10	197	34	87	16·74	485 „ „ 509 „ „ 1,204 „

IMPERIAL RETURN No. XIII.—(CRIMINAL).

Statement showing the use of jurors and assessors in the Criminal Courts in the Province of Oudh for the year 1891.

Classes of Courts in which assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of jurors or assessors in each case and prescribed qualification.	Number of cases tried by jury.	Number of cases with assessors.	Jury-trials.					Assessor trials.			Remarks.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved.		Number of cases in which Judge agreed with assessors.	Number of cases in which the Judges differed from—		
					Wholly.	Partially.	Whose cases he referred under section 263, Criminal Procedure Code.	Whose cases he did not refer under section 263, Criminal Procedure Code.		One assessor.	Both assessors.	
1	2	3	4	5	6	7	8	9	10	11	12	13
Sessions Judge, Lucknow Division ...	5 jurors ...	46	...	45	...	1	2	...	...	...	...	
	2 assessors ...	...	50	...	...	...	...	...	36	6	8	
,, Sitapur ,, ...	2 ,, ...	...	48	...	...	...	...	...	27	5	16	
,, Hardoi ,, ...	2 ,, ...	...	58	...	...	...	...	...	37	8	13	
,, Fyzabad ,, ...	3 ,, ...	...	31	...	...	...	...	...	24	1	3	
,, Gonda ,, ...	3 ,, ...	...	73	...	...	...	...	...	45	14	14	
,, Rae Bareli ,, ...	3 ,, ..	...	77	...	...	...	...	...	72	2	3	
Total ...	...	46	337	45	...	1	2	...	241	36	57	

A.—Showing in detail for each class the number of persons convicted in 1891.

Districts.	Offences against the State and relating to the Army and Navy, Chapters VI and VII, Indian Penal Code.	Offences against the public tranquility, Chapter VIII.	Offences by and relating to public servants, Chapters IX and X.	Offences against public justice and false evidence, Chapter XI.	Offences relating to coin, stamps, weights and measures, Chapters XII and XIII.	Offences affecting public health, &c., and religion, Chapters XIV and XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Miscellaneous offences under the Penal Code, Chapters XVIII to XXII.	Total offences under the Penal Code.	Offences under the Code of Criminal Procedure and under special laws.	Grand Total.
Lucknow City... ...	...	28	16	25	3	150	182	411	28	843	2,783	3,626
Lucknow	...	64	18	11	2	8	279	531	19	933	594	1,526
Unao	...	52	23	14	5	15	271	923	9	1,312	390	1,702
Bara Banki	...	144	103	32	11	17	383	1,198	20	1,908	805	2,713
Sitapur	...	69	52	28	3	14	375	975	20	1,536	756	2,292
Hardoi	...	77	139	38	3	11	635	1,170	18	2,091	1,215	3,306
Kheri	...	54	38	14	1	3	224	799	12	1,145	221	1,366
Fyzabad	...	125	111	26	7	18	448	1,092	17	1,844	2,339	4,183
Bahraich	...	81	36	34	17	20	238	933	16	1,375	627	2,002
Gonda	...	91	50	11	4	3	331	951	14	1,455	1,163	2,618
Rae Bareli	...	31	60	29	11	19	341	837	22	1,350	1,071	2,421
Sultánpur	...	118	91	40	9	37	295	701	14	1,305	610	1,915
Partábgarh	...	87	89	21	7	9	319	1,006	35	1,573	450	2,023
Total ...	...	1,021	826	323	83	324	4,321	11,527	244	18,669	13,024	31,693

B.—Showing the number of cases brought to trial during the year, disposed of, and pending in the Courts of Sessions and the Courts of Magistrates in 1891.

Districts.	Courts of Sessions.			Courts of Magistrates.			Remarks.
	Brought to trial.	Disposed of.	Pending.	Brought to trial.	Disposed of.	Pending.	
Lucknow City	47	43	4	3,612	3,572	40	
Lucknow	25	22	3	1,899	1,868	31	
Unao	36	31	5	2,150	2,111	39	
Bara Banki	40	38	2	3,159	3,098	61	
Sitapur	31	27	4	3,020	2,957	63	
Hardoi	46	42	4	3,384	3,260	124	
Kheri	36	32	4	2,788	2,761	27	
Fyzabad	39	34	5	4,188	4,149	39	
Bahraich	38	33	5	2,525	2,470	55	
Gonda	57	52	5	2,938	2,900	38	
Rae Bareli	26	24	2	3,017	2,985	32	
Sultánpur	32	30	2	2,624	2,571	53	
Partábgarh	28	23	5	2,608	2,553	55	
Total ...	481	431	50	37,912	37,255	657	

C.—Showing the number of persons concerned in cases decided under the miscellaneous provisions of the Criminal Procedure Code during the year 1891.

Districts.	Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250.	Proceedings against witnesses under Chapter VI and section 485 of Chapter XXXV.	Forfeiture of bail or recognizance under Chapter XLII.	Non-attendance of jurors or assessors, Chapter XXIII, section 332.	Contempt of Court under Chapter XXXV, section 480.	Proceedings under Chapter VIII to prevent breach of the peace.	Proceedings under Chapter VIII, security for good behaviour.	Proceedings against public nuisances, Chapter X.	Possession, Chapter XII, and section 522 of Chapter XLIII.	Maintenance, XXXVI.	Total of persons.
City Lucknow	9	...	4	...	...	94	35	66	13	163	384
Lucknow	14	...	1	17	...	60	20	69	1	44	226
Unao	14	...	3	...	...	61	16	...	1	21	116
Bara Banki	11	...	7	...	...	473	41	3	4	74	613
Sitapur	25	...	...	2	...	104	36	22	10	69	268
Hardoi	17	...	19	5	...	412	135	50	8	53	699
Kheri	43	...	2	...	...	42	30	19	8	58	202
Fyzabad	60	1	16	...	...	282	72	5	47	51	534
Bahraich	18	...	6	...	...	101	67	...	12	35	239
Gonda	8	...	7	3	...	297	42	2	37	55	451
Rae Bareli	14	...	6	...	...	94	46	...	1	70	231
Sultanpur	48	...	1	1	...	450	25	2	22	36	585
Partábgarh	109	...	1	...	...	88	27	23	19	53	320
Total ...	390	1	73	28	...	2,558	592	261	183	782	4,868.

D.—Showing the results of trials in the Courts of Sessions in 1891 (*as affecting persons*).

Districts.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Referred.	Died, escaped, or transferred.	Remaining under trial.	Number per cent. of persons entered in columns 3 and 4, and of those whose cases were referred under section 344, Criminal Procedure Code, who were convicted.	Remarks.
1	2	3	4	5	6	7	8	9
Lucknow	109	37	63	...	...	9	63·	
Unao	66	34	25	...	...	7	42·	
Bara Banki	64	29	26	...	...	9	47·	
Sitapur	49	27	18	...	...	4	28·	
Hardoi	90	50	33	...	...	7	39·	
Kheri	55	19	32	...	...	4	58·	
Fyzabad	71	23	39	...	...	9	61·	
Bahraich	63	17	39	...	2	5	65·	
Gonda	100	36	58	...	1	5	56·	
Rae Bareli	55	29	23	...	1	2	43·	
Sultánpur	53	31	16	...	2	4	32·	
Partábgarh	62	24	30	...	...	8	55·	
Total ...	837	356	402	...	6	73	52·	
Judicial Commissioner's Court, Oudh ...	25	5	15	...	...	5	75·	
GRAND TOTAL ...	862	361	417	...	6	78	51·	

E.—Showing the results of trials in the Courts of Magistrates in 1891 (*as affecting persons*).

Districts.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Committed or referred.	Died, escaped, or transferred.	Remaining under trial.	Number per cent. of persons entered in columns 3 and 4 who were convicted.	Remarks.
1	2	3	4	5	6	7	8	9
Lucknow City ...	5,808	2,037	3,626	59	2	84	61	
Lucknow ...	3,168	1,626	1,437	50	1	54	61	
Unao	3,867	1,972	1,702	74	1	118	45	
Bara Banki... ...	5,629	2,650	2,713	60	3	203	50	
Sitapur	5,712	3,119	2,242	38	3	310	41	
Hardoi	7,402	3,730	3,248	105	...	319	45	
Kheri	4,730	3,237	1,366	58	2	67	29	
Fyzabad	7,600	3,283	4,144	67	15	91	55	
Bahraich	4,790	2,542	2,002	66	60	120	42	
Gonda	4,911	2,024	2,521	101	192	73	52	
Rae Bareli	5,422	2,962	2,352	45	2	61	43	
Sultánpur	5,120	3,040	1,915	48	3	114	38	
Partábgarh	4,168	1,991	2,023	62	9	83	49	
Total ...	68,327	34,213	31,291	833	293	1,697	46	

F.—Showing the number of witnesses examined and the number of persons to whom payments were made on account of expenses in Courts of Sessions and Courts of Magistrates in 1891.

Districts.	Number of witnesses examined.				Amount paid as expenses.		Remarks.
	Courts of Sessions.		Magistrates' Courts.		Courts of Sessions.	Magistrates' Courts.	
	Number of persons to whom payments were made.	Number of witnesses examined.	Number of persons to whom payments were made.	Number of witnesses examined.	Amount paid.	Amount paid.	
					Rs. a. p.	Rs. a. p.	
Lucknow City	...	...	2,964	6,387	...	1,066 12 9	
Lucknow	974	1,173	2,506	6,157	2,505 8 6	1,003 11 0	
Unao...	...	...	3,702	7,839	...	1,421 13 0	
Bara Banki	...	...	8,395	11,875	...	4,217 1 6	
Sitapur	508	628	4,974	8,276	765 6 6	2,425 12 9	
Hardoi	692	950	4,598	9,356	1,018 4 6	1,884 0 6	
Kheri...	...	...	4,605	8,707	...	2,363 13 3	
Fyzabad	268	306	4,083	9,652	355 1 0	2,779 12 9	
Bahraich	...	...	5,657	9,519	...	2,866 1 9	
Gonda	779	850	4,805	9,235	568 7 6	2,527 0 6	
Rae Bareli	835	957	5,730	7,116	1,024 2 0	2,642 5 4	
Sultánpur	...	...	4,275	7,410	...	1,859 1 0	
Partábgarh	...	...	2,626	5,615	...	932 15 0	
Total ...	4,056	4,864	58,920	107,144	6,236 14 0	27,990 5 1	

G.—Showing the detention of witnesses in Courts of Sessions and Courts of Magistrates in 1891.

Districts.	Number of witnesses discharged.							
	Courts of Ssssions.				Magistrates' Courts.			
	On the 1st day.	On the 2nd day.	On the 3rd day.	After the 3rd day.	On the 1st day.	On the 2nd day.	On the 3rd day.	After the 3rd day.
Lucknow City	...	...	...	...	6,236	658	190	79
Lucknow	769	196	63	100	6,048	329	58	...
Unao	245	101	6	...	7,145	172	20	...
Bara Banki	...	...	...	...	11,664	211	...	...
Sitapur	257	154	43	84	8,133	333	5	...
Hardoi	407	143	48	...	8,803	521	28	4
Kheri	...	...	...	...	7,860	1,058	196	...
Fyzabad	216	75	9	6	9,208	405	32	7
Bahraich	...	...	...	...	9,290	229	...	...
Gonda	753	89	8	...	8,960	285	27	...
Rae Bareli	667	141	103	50	6,874	490	59	17
Sultánpur	...	...	...	...	6,815	366	19	...
Partábgarh	...	...	...	...	5,318	268	18	13
Total ...	3,314	899	280	240	102,354	5,325	652	120

H.—Showing the total amount of fine imposed in the exercise of original jurisdiction by the Criminal Courts in 1891, *the amount realized, and the amount paid by way of compensation.*

Districts.	Courts of Sessions.			Magistrates' Courts.			Remarks.
	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Lucknow City	...	...	...	8,442	7,405	1,408	
Lucknow	6,570	200	75	5,616	4,007	399	
Unao	...	...	...	5,191	3,797	431	
Bara Banki	...	...	...	12,293	11,959	2,445	
Sitapur	48	48	...	5,896	5,185	1,053	
Hardoi	215	105	80	7,224	6,675	1,167	
Kheri...	...	...	...	5,573	4,658	1,194	
Fyzabad	80	80	50	10,517	8,461	1,110	
Bahraich	...	...	...	6,883	6,392	534	
Gonda	480	206	...	7,974	6,722	676	
Rae Bareli	700	600	...	5,952	4,696	1,074	
Sultánpur	...	...	...	5,129	4,862	555	
Partábgarh	...	...	...	10,109	8,936	1,441	
Total ...	8,093	1,239	205	96,799	83,755	13,487	

I.—Showing the number of appeals (cases) preferred, disposed of, and pending in the Courts of Sessions Judges and of District Magistrates in 1891.

Districts.	Preferred.		Disposed of.		Pending.		Remarks.
	Courts of Sessions.	Courts of District Magistrates.	Courts of Sessions.	Courts of District Magistrates.	Courts of Sessions.	Courts of District Magistrates.	
Lucknow City	133	18	131	18	2	...	
Lucknow	155	49	154	47	1	2	
Unao	135	63	135	61	...	2	
Bara Banki	251	43	248	40	3	3	
Sitapur	564	18	558	18	6	...	
Hardoi	235	109	234	107	1	2	
Kheri	283	81	282	80	1	1	
Fyzabad	128	112	116	112	12	...	
Bahraich	176	34	136	33	40	1	
Gonda	394	63	365	57	29	6	
Rae Bareli	94	91	83	88	11	3	
Sultánpur	86	49	82	49	4	...	
Partábgarh	238	35	232	32	6	3	
Total ...	2,872	765	2,756	742	116	23	

J.—Showing the number of applications for revision (cases) preferred, disposed of, and pending in the Courts of Sessions Judges and of District Magistrates in 1891.

Districts.	Preferred.		Disposed of.		Pending.		Remarks.
	Courts of Sessions.	Courts of District Magistrates.	Courts of Sessions.	Courts of District Magistrates.	Courts of Sessions.	Courts of District Magistrates.	
Lucknow City	11	...	10	...	1	...	
Lucknow	10	19	9	18	1	1	
Unao	8	25	8	25	...	...	
Bara Banki	16	10	16	10	...	...	
Sitapur	16	6	15	6	1	...	
Hardoi	14	18	12	18	2	...	
Kheri	5	40	4	40	1	...	
Fyzabad	58	81	55	81	3	...	
Bahraich	5	35	5	35	...	...	
Gonda	29	42	28	41	1	1	
Rae Bareli	12	27	12	27	...	...	
Sultánpur	10	45	8	45	2	...	
Partábgarh	31	40	27	37	4	3	
Total ...	225	388	209	383	16	5	

K.—Showing the number of persons whose cases came before the Courts of Sessions Judges and of District Magistrates on appeal or application for revision, with the result as affecting the orders of the Lower Courts in 1890.

Districts.	Appeals.				Applications for revision.			Remarks.
	Number of persons who appealed.	Ratio per cent. of persons appealing to persons in respect of whom appealable orders were passed.	Number of applicants in whose cases (1) appeals or applications were rejected and (2) sentences or orders were confirmed.	Ratio per cent. of affirmed to decided.	Number of applicants (accused persons) for revision.	Number of accused persons in whose cases applications for revision were rejected or orders were confirmed.	Ratio per cent. of rejected to disposed of.	
Lucknow City	55	18·	29	52·	...	...	...	
Lucknow	470	57·	354	45·	14	45	86·	
Unao	237	17·	141	25·	7	52	85·	
Bara Banki	372	19·	257	42·	18	25	66·	
Sitapur	379	21·	295	26·	15	24	96·	
Hardoi	406	15·	273	40·	10	69	69·	
Kheri	626	62·	567	27·	15	108	90·	
Fyzabad	393	11·	252	55·	47	259	74·	
Bahraich	348	24·	251	39·	43	96	84·	
Gonda	383	18·	279	49·	20	111	81·	
Rae Bareli	302	18·	187	59·	22	73	74·	
Sultánpur	254	18·	162	42·	48	169	90·	
Partábgarh	189	19·	131	40·	51	94	94·	
Total ...	4,414	18·	3,178	40·	310	1,125	81·	

L.—Showing the number of appeals and applications for revision (cases) preferred, disposed of, and pending in the High Court of Oudh in 1891.

Districts.	Appeals.			Applications for revision.			Remarks.
	Preferred.	Disposed of.	Pending.	Preferred.	Disposed of.	Pending.	
Lucknow	30	25	5	23	22	1	
Unao	24	22	2	10	10	...	
Bara Banki...	22	21	1	19	18	1	
Sitapur	15	10	5	13	12	1	
Hardoi	36	31	5	1	1	...	
Kheri	32	21	11	4	4	...	
Fyzabad	6	6	...	11	11	...	
Bahraich	20	16	4	9	9	...	
Gonda	52	47	5	16	14	2	
Rae Bareli	21	19	2	10	9	1	
Sultánpur	6	6	...	4	4	...	
Partábgarh	15	13	2	6	6	...	
Total ...	279	237	42	126	120	6	

M.—Showing the result, as affecting persons, of appeals and revision in the High Court of Oudh in 1891.

Sessions division.	Appeals.						Applications for revision.					
	Rejected.	Sentence affirmed.	Sentence reversed.	Sentence varied.	Further enquiry ordered.	Otherwise disposed of.	Rejected.	Order affirmed.	Order reversed.	Order varied.	Further enquiry ordered.	Otherwise disposed of.
Lucknow ...	17	8	...	...	...	...	7	16	7	...	...	...
Unao ...	5	14	4	2	...	...	22	11	7	...	...	...
Bara Banki ...	3	17	8	2	...	...	20	6	4	...	...	...
Sitapur ...	...	7	1	2	...	...	10	11	1	1	...	...
Hardoi ...	5	21	3	4	...	...	...	1	...	...	...	...
Kheri ...	2	13	2	4	...	...	1	3	2	...	...	...
Fyzabad ...	6	12	...	...	...	...	11	11	3	...	...	...
Bahraich ...	6	9	11	...	...	...	21	1	1	1	...	...
Gonda ...	13	23	8	11	...	...	6	13	7	3	...	...
Rae Bareli ...	8	10	7	2	...	...	...	6	17	...	...	...
Sultánpur ...	2	2	2	...	...	...	5	1	3	...	...	...
Partábgarh ...	1	11	1	...	...	...	9	...	...	...	...	...
Total ...	68	147	47	27	...	...	112	80	52	5	...	...

N.—Criminal business coming on before the High Court of Oudh in 1891.

Description of cases.	Remaining from 1890.	Filed in 1891.	Disposed of in 1891.	Remaining at the close of 1891.	Remarks.
ORIGINAL BUSINESS.					
Nil.					
APPEALS.					
By persons convicted. — From the orders of Deputy Commissioners acting under section 30 of the Code of Criminal Procedure.	1	47	45	3	
By persons convicted. — Sessions Judges	5	231	197	39	
By the Local Government. — From the judgment of acquittal of all Courts	...	1	1	...	
Total ...	6	279	243	42	
REFERENCES.					
Cases in which sentence of death passed by Sessions Judges was referred for confirmation under section 374 of the Code of Criminal Procedure.	1	19	16	4	
Cases in which proceedings held against persons who could not understand them were referred for orders under section 341 of the Code of Criminal Procedure.	...	5	5	...	
Total ...	1	24	21	4	
REVISION.					
Cases referred for revision by District Magistrates and Sessions Judges under section 438 of the Code of Criminal Procedure.	2	58	52	8	
Cases dealt with by the Court under section 439 of the Criminal Procedure Code—					
(1) Cases decided by Magistrates	5	62	64	3	
(2) „ Sessions Judges	1	85	82	4	
Total ...	8	205	198	15	
Full bench references	...	...	...	...	
GRAND TOTAL ...	15	508	462	61	

ORDERS OF GOVERNMENT.

No. 2960 / VI—1100 OF 1892.

FROM

THE SECRETARY TO GOVERNMENT,
N.-W. PROVINCES AND OUDH,

TO

THE JUDICIAL COMMISSIONER OF OUDH.

DATED ALLAHABAD, THE 25TH NOVEMBER 1892.

SIR,

JUDICIAL DEPT. (CRIMINAL).

I AM directed to acknowledge the receipt on 31st October 1892 of your predecessor's letter No. 1497, dated 21st September 1892, being the Report on the Administration of Criminal Justice in Oudh for 1891. It was due in the Secretariat on the 1st July, and its tardy submission seems to have been owing to the late receipt of some of the district returns, one from Rae Bareli having been forwarded so late as 17th August. The past year is noticeable for the transfer on the 1st April 1891 of the work of the Courts of Session from the Revenue Commissioners to six District Judges in accordance with the scheme for the reorganisation of the administration of the Province.

2. In reviewing the report for 1890 it was anticipated that the instructions issued last year for compiling the returns would bring about a closer correspondence in the proportion of cases returned as true and brought to trial in the two Provinces. The figures for the last three years (given below) display however a contrary result, due chiefly, it appears from the note prefixed to the criminal statements of the North-Western Provinces, to neglect on the part of Magistrates in the North-Western Provinces to comply with the directions on the subject received from the High Court:—

		Reported.	Returned as true.	Brought to trial.	Percentage of cases returned as true to cases reported.	Percentage of cases brought to trial to cases returned as true.
N.-W. Provinces	1889 ...	154,607	113,802	110,484	73·60	97·08
	1890 ...	152,829	114,628	110,902	75·00	96·74
	1891 ...	162,323	128,214	113,665	78·98	88·65
Oudh ...	1889 ...	48,565	33,379	33,921	68·73	101·62
	1890 ...	49,342	35,598	36,192	72·14	101·66
	1891 ...	51,642	37,470	38,182	72·55	101·90

3. Offences which during the last four years show a continuous increase or decrease are noted in the subjoined table:—

	Contempts of lawful authority.	Theft.	Receiving stolen property.	Criminal trespass.	Criminal force.
1888	385	6,543	924	4,883	3,709
1889	538	6,874	979	4,676	3,646
1890	722	7,706	1,124	4,718	3,510
1891	785	8,727	1,376	5,305	3,134

Besides these, the principal variations as compared with the figures for 1890 occur under the heads of "offences against public justice," which decrease from 637 to 505, and "hurt" and "mischief," which show increases from 11,190 to 11,445 and from 1,833 to 2,025 respectively. The rise in the number of reports in Bara Banki (800), Bahraich (671) and Partábgarh (659) was marked; while there was a falling off in Hardoi of 517. In the first two districts the increase is attributed to scarcity and in Partábgarh to more faithful reporting. Three thousand five hundred and fifteen cases were expunged from the registers by order of the Magistrate, as compared with 2,211 in 1890. There was a still further decline in the percentage of offences reported which were struck off under section 203, Criminal Procedure Code, from 23 to 20, only 10,655 out of 51,642 having been thus disposed of as against 11,533 in 49,342 during the previous year. This is not a matter for congratulation, and Magistrates should be careful to impress on their subordinates the necessity of closely scrutinising complaints before issuing process, in order to eliminate so far as possible false and frivolous charges. Though, as in the North-Western Provinces, full advantage is not taken at present of the new enactment (Act IV of 1891), the number of persons who received compensation for frivolous or vexatious accusations rose from 145 to 540, which is ascribed to the extended scope of the section (560) added to the Criminal Procedure Code by the above Act as compared with the repealed section, 250. The reference to section 250 and Chapter XX in Statement III and Provincial Statement C should, I am to remark, be altered in future years.

4. The number of cases brought to trial (37,491) exceeded that in 1890 (35,492) by 1,999 cases; all districts except three, in only one of which (Hardoi) the decrease was marked, sharing in the increase. It is unsatisfactory to notice that the improved percentage of convictions obtained last year in Oudh is not maintained, and the figures under each of the three heads noted below compare unfavourably with those for the North-Western Provinces:—

		North-Western Provinces.			*Oudh.*		
		Tried out.	Convicted.	Percentage convicted.	Tried out.	Convicted.	Percentage convicted.
Total number of persons dealt with	1889	183,276	91,360	49	61,756	28,553	46
	1890	182,609	91 404	50	65,140	32,735	50
	1891	191,397	99,542	52	66,262	31,693	47
Total number of persons dealt with under the Penal Code.	1889	134,217	53,658	39	42,354	16,211	38
	1890	131,326	52,964	40	45,069	18,681	41
	1891	135,775	56,803	41	47,187	18,669	39
Total number of persons dealt with under the Criminal Procedure Code and Special and Local Laws.	1889	49,059	37,702	76	19,402	12,342	63
	1890	51,283	38,440	74	20,071	14,054	70
	1891	55,622	42,739	76	19,075	13,024	68

There has been marked progress in the North-Western Provinces and deterioration in Oudh, the latter being confined to no particular class of offence, as the following figures show :—

Offence.	Percentage of persons convicted.					
	North-Western Provinces.			*Oudh.*		
	1889.	1890.	1891.	1889.	1890.	1891.
Against public tranquillity	63	65	60	59	58	54
By and against public servants	59	58	57	53	61	61
Against public justice	54	54	58	48	55	54
Connected with coin and weights and measures,	50	50	62	55	60	53
Connected with religion and health ...	76	67	75	71	76	65
Against the human body (excluding hurt and assault).	38	43	40	48	56	49
Hurt and assault	18	19	18	19	19	17
Theft	71	71	73	72	74	74
Mischief	16	16	19	19	19	21
Criminal trespass	49	49	52	48	55	52
Other offences against property	55	57	56	60	63	63
Miscellaneous	14	14	11	16	18	14

Nor is the decline limited to a few districts; only four, (Lucknow, Fyzabad, Sultánpur and Partábgarh) show an improvement in this respect. In Kheri the very meagre percentage of 29 is recorded for convictions. This district, in which there has been a continuous decline in the percentage of convictions for the last seven years, the figure in 1885 standing at 51, requires attention; the failure seems to be in offences against public health and Act V of 1861, theft and receiving stolen property. The falling off at Unao, Hardoi and Bahraich is conspicuous. In Sitapur, Fyzabad and Gonda not a single conviction was obtained in cases of wrongful restraint and confinement, while comment is made on the signal failure under this head in three other districts as well. There was as usual little success in cases of defamation and offences connected with marriage. In one instance (dakáiti and robbery) it is surmised that injudicious action of the police in making arrests may have led to an increase in acquittals, but as a rule the inferior results (which District Officers have failed to explain) are attributed to the improper admission of complaints by Magistrates without due consideration being paid to the provisions of section 203, Criminal Procedure Code, a subject which has already been referred to in paragraph 2, and which your predecessor intended to bring to the notice of District Magistrates. The increase of crime under the Criminal Tribes Act, noticed in paragraph 40 of the report, is more apparent than real, being due to the greater success of the police in identifying absconded Barwárs.

5. In the subjoined table are exhibited the main figures bearing on the working of the various Courts during the last three years :—

	Number of persons whose cases were disposed of.			Percentage of persons convicted (including committals).			Percentage of persons whose cases were disposed of by each class of Magistrates to total number.			Duration of cases.		
	1889.	1890.	1891.	1889.	1890.	1891.	1889.	1890.	1891.	1889.	1890.	1891.
Honorary Magistrates.	7,770	6,942	6,062	28	38	32	28	26	23	6·00	5·42	7 57
Benches ...	9,492	9.898	9,426	65	62	63				2·81	4·0	3·95
Subordinate Magistrates (stipendiary, of all classes.)	14,553	13 775	16,041	35	40	33	61	59	63	6·29	5·40	6·16
Full power Native Magistrates.	22,676	24,521	25,355	46	54	52				8·31	8·81	10·94
Full power European Magistrates.	5,105	7,717	7,531	56	44	53						
Magistrates of Districts.	1,423	1,487	1,371	79	79	80	11	15	14	6·30	7·64	5·84
Deputy Commissioners, under section 30.	671	823	551	75	72	70				5·80 9·70	6·89 11·48	5·57 10·14
Total, Magistracy,	61,690	65,163	66,337	46	50	48	...	...	...	6·50	6·96	7·54
Sessions Judges ...	734	530	758	65	73	53	...	...	...	55·46	50·14	59·40

Honorary Magistrates, whether sitting singly or in benches, disposed of fewer cases, and the duration in their Courts, except in the case of benches, rose, while the percentage of convictions fell. They performed however a large amount of valuable work, and the thanks of the Government are due to them for their public-spirited labours. The result attained in their Courts is not singular, as the percentage of convictions declined in all classes of Magisterial Courts except those of benches, European full-powered Magistrates and District Magistrates: while in the majority of cases the duration increased. European full-powered Magistrates, in whose Courts the percentage of convictions improves, disposed of about the same percentage of the work as in 1890. The number of cases decided by Deputy Commissioners, both under their enhanced and their ordinary powers, fell off considerably. As the record of the work of each of these officers is carefully examined by the Government at the close of every half-year, when due notice is taken of shortcomings, it is unnecessary to refer to the subject further here. At the end of the year, 657 cases were pending as compared with 678 at the end of the previous year. There is a very marked decline in the percentage of convictions in Sessions Courts, and an equally marked rise in the duration of trials, which can only be ascribed to the changes in the judicial system introduced during the year; your predecessor anticipates that the deterioration in the latter case is only temporary. In both cases the figures are inferior to those for the North-Western Provinces. In no less than six of the twelve districts in Oudh the acquittals and discharges in Courts of Session exceeded the convictions.

6. The variations in the proportions of the various kinds of punishments inflicted by each class of Court to the total number inflicted by the different classes are only noticeable in two respects. In the Courts of subordinate stipendiary Magistrates the proportion of sentences

of rigorous imprisonment awarded increased by 3 per cent. at the expense of fines; and in those of District Magistrates in the exercise of their ordinary powers, the percentage of sentences of rigorous imprisonment awarded declined from 41 to 27, and that of sentences of whipping increased from 37 to 53. From the figures given in paragraph 70 it would appear that sentences of whipping, which increased in number from 2,484 to 2,734, diminished in severity. I am to invite your attention to the fact that twelve of the entries in column 1 of return No. VA-I are wrong, and one superfluous; similarly eight are wrong in Form VA-II. Very few sentences of transportation (87) were passed, and the suitability of this form of punishment for habitual offenders, of whom 1,407 were brought to trial, seems imperfectly recognised. Fines to the extent of Rs. 96,799 were imposed in Magistrates' Courts, of which 86 per cent., or Rs. 83,755, were recovered: a great improvement on the figures for 1890, when only 70 per cent. of the fines, which amounted to Rs. 98,665, were realised.

The aggregate amount of fines realised paid as compensation by Magistrates declined from Rs. 14,688 to Rs. 13,487, and, owing to the greater success in realisations, the percentage paid as compensation declined from 21 to 16. In Sessions Courts, where nothing was paid in compensation last year, Rs. 205 were disbursed in 1891.

7. The number of witnesses examined in the Courts of Magistrates was 107,144 as compared with 108,994 in 1890. As was the case last year, the percentage to whom payments were made as diet money varies considerably, the maximum being 80 at Rae Bareli and the minimum 40 at Lucknow, while the average is 54. Care should be taken in districts where the percentage is high (Bara Banki, Sitapur, Bahraich and Rae Bareli) that money is not needlessly expended. The percentage of witnesses discharged after the first day varies from 14 at Lucknow City and Kheri to one in Bara Banki. It is possible that the mistake, which is believed to exist in the North-Western Provinces, is made in some Courts of showing witnesses detained from day to day as detained only for the day on which they are ultimately examined.

8. The figures for the appellate work of the Oudh Courts are given below:—

	Number of accused in whose cases appeal was made or revision applied for.		Number whose sentence was upheld.		Percentage whose sentence was upheld.		Duration in days.	
	1890.	1891.	1890.	1891.	1890.	1891.	1890.	1891.
Appeals—								
To District Magistrates ...	1,274	1,191	752	773	59	64	8·79	10·25
„ Sessions Courts ...	3,011	3,223	2,497	2,405	82	74	11·27	27·12
„ Judicial Commissioner,	394	331	325	215	82	64	22·37	32·49
Total ...	4,679	4,745	3,574	3,393	76	71	11·75	24·08
Revision—								
By District Magistrates ...	1,015	951	838	760	82	80	10·39	9 98
„ Sessions Courts ...	411	484	323	365	78	75	11·67	23·52
„ Judicial Commissioner,	398	396	237	279	59	70	15·70	22·52
Total ...	1,824	1,831	1,398	1,404	76	76	12·80	16·74

The most salient feature in the statistics is the reduced percentages of sentences upheld on appeal, and in revision by the newly constituted Courts of Sessions Judges; it has already been noticed that they also convicted a smaller percentage of persons than the Courts of the Commissioners whom they superseded. As in the case of trials, the duration of appeals and applications for revision largely increased, more than doubling that of the previous year. Your particular attention is asked to the fact that the work of the Judges as a whole compares unfavourably in these respects not only with that of their predecessors, but also with that of the same tribunals in the North-Western Provinces. The results in the two Provinces are compared in the subjoined table:—

Courts of Session in	PERCENTAGE OF PERSONS			*Average number of days of duration of each*		*Average for each Judge.*			
	convicted.	*whose sentence was upheld*				Cases disposed of.	Witnesses examined.	Appeals disposed of.	Applications for revision disposed of.
		on appeal.	on revision.	trial.	Appeal or application for revision.				
Oudh ...	53	74	75	59	25	71	810	459	35
North-Western Provinces.	63	70	75	41	19	96	728	430	81

Divergencies in the percentage of appeals made to cases disposed of, calculated on the data furnished by Statements I, J and B, are not so great as last year, being comprised (excluding Lucknow City) between the limits of 20 and 7 as against 24 and 8 in 1890. There was a very low proportion of appeals confirmed in Unao (25), Sitapur (26) and Kheri (27).

9. In only one of the 46 trials by jury held at Lucknow did the Judge disagree with the jury: in the North-Western Provinces the verdicts in 20 out of 106 cases gave the Judges cause for dissatisfaction. The opinion of the assessors was approved in 241 of the 337 cases tried with their aid in Oudh, or in 71 per cent.; the percentage in the North-Western Provinces was 74.

I have the honor to be,

SIR,

Your most obedient servant,

W. H. L. IMPEY,

Secy. to Govt., N.-W. P. and Oudh.

NOTE

ON THE

Administration of Criminal Justice

IN THE PROVINCE OF OUDH

DURING THE CALENDAR YEAR ENDING 31ST DECEMBER 1902.

WITH STATEMENTS.

ALLAHABAD:
Printed at the United Provinces Government Press.
1 9 0 3.

Note on the Administration of Criminal Justice in the Province of Oudh during the calendar year ending the 31st December 1902.

Two Assistant Sessions Judges were appointed in Oudh during the year under report. One of them was attached to the Sitápur Sessions Division, and the other to the Lucknow, Fyzabad, and Hardoi Divisions.

Imperial Return No. I.—No. of officers, &c.

This Court consisted of three Judges, except in January 1902, when the Second Additional Judicial Commissioner was absent on deputation (Panna Commission), and from 11th July to 12th October 1902, when he was on leave.

2. There was an increase in the number of offences affecting the human body, but a decrease in the number of offences against property.

Imperial Return No. II—Offences reported and persons dealt with.

The total number of offences returned as true was nearly the same as in the previous year, but 1,941 more persons were brought to trial during the year under report. The percentage of conviction was 43·87 against 43·96 in the preceding year.

3. The number of cases disposed of fell from 34,581 in 1901 to 31,656 in the year under report; but the average duration rose from 8·31 to 9·12 days in the Courts of Magistrates, and from 38·22 to 44·73 days in the Sessions Courts.

Imperial Return No. IV.—Result of trials.

17·08 per cent. of the cases disposed of were decided by unpaid Magistrates as against 20·07 per cent. in the previous year.

4. The total number of persons punished was 26,967 against 26,029 in 1901. The sentences of death and transportation rose from 32 and 108 to 58 and 188, respectively.

Imperial Return No. V.—Punishments inflicted.

5. The total number of whippings inflicted in lieu of other punishments was 1,283 in 1902 and 1,679 in the previous year.

Imperial Return No. Va.—Whippings inflicted in lieu of other punishments.

6. The cases of 49 persons sentenced to death were disposed of by this Court, with the following result:—

Sentences confirmed	29
Sentences altered to transportation	13
Acquitted	5
Sentences reduced to imprisonment	2
Total ...	49

R. SCOTT,
Judicial Commissioner.

LUCKNOW,
The 13th August 1903.

IMPERIAL RETURN No. I—(CRIMINAL).

Showing the number of judicial divisions and the number of officers exercising original or appellate jurisdiction in the Province of Oudh on the last day of the year 1902.

Name of province.	Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Judges of Chief Court of province.	Number of officers exercising Original or Appellate jurisdiction.				Total number of cases decided.				Remarks.		
						Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts.	Original.		Appellate.				
										Regular.	Miscellaneous.	Regular.	Miscellaneous.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
														Grades of Judicial Officers.	Europeans.	Natives.
Territory subject to the Judicial Commissioner of Oudh.	23 992 sq. m.	12,833,077	6	12	3	*8	12	65	162	31,656	2,652	2,979	1,439	Officers exercising both original and appellate jurisdiction. — Judicial Commissioners.	3	...
														Officers exercising both original and appellate jurisdiction. — District and Sessions Judges.	5	1
														Officers exercising both original and appellate jurisdiction. — Assistant Sessions Judges.	1	1
														Officers exercising both original and appellate jurisdiction. — Deputy Commissioners.	12	...
														Officers exercising original jurisdiction only. — Assistant Commissioners.	10	3
														Officers exercising original jurisdiction only. — Deputy Collectors.	4	48
														Officers exercising original jurisdiction only. — City and Cantonment Magistrates.	3	...
														Officers exercising original jurisdiction only. — Tahsíldárs ...	...	43
Total, 1901 ...	...	...	...	...	3	6	12	61	168	31,805	2,490	2,762	1,239	Officers exercising original jurisdiction only. — Honorary Magistrates.	3	113

* Includes two Assistant Sessions Judges.

For Home and Agricultural Departments.

	Europeans.	Natives.
Judicial Commissioners	3	...
Deputy Commissioners	12	...
District and Sessions Judges	5	1
Assistant Sessions Judges	1	1
Assistant Commissioners	10	3
Deputy Collectors	4	48
City Magistrates	1	...
Cantonment Magistrates	2	...
Tahsíldárs	...	43
Honorary Magistrates	3	113

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh during the year 1902.

Description of offence.		Number of offences reported.	Number of cases returned as true	Number of cases brought to trial during the year	Number of persons.				
					Under trial during the year including pending from previous year	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.
1		2	3	4	5	6	7	8	9
Offences against the public tranquillity, Chapter VIII, Indian Penal Code.		704	587	610	2,833	939	1,646	2	246
Offences by or relating to public servants, Chapter IX, Indian Penal Code.		81	34	37	47	27	20	...	...
Contempt of the lawful authority of public servants, Chapter X, Indian Penal Code.		611	559	585	916	354	537	2	23
False evidence and offences against public justice, Chapter XI, Indian Penal Code.		441	384	415	536	187	305	1	43
Offences relating to coin ...	Chapter XII, I. P. Code.	41	39	41	57	18	36	...	3
„ „ Government stamps.		1	...	...	...	...	...	...	...
„ „ to weights and measures, Chapter XIII, Indian Penal Code.		22	19	20	25	13	12	...	...
Offences affecting the public health, &c., Chapter XIV, Indian Penal Code.		536	483	489	750	161	585	2	2
Offences relating to religion, Chapter XV, Indian Penal Code.		78	23	23	78	64	8	...	6
Offences affecting the human body, Chapter XVI, Indian Penal Code.	Offences affecting life ...	527	498	539	793	216	473	5	99
	Causing miscarriage, injury to unborn children, exposure of infants, and the concealment of births.	52	50	51	55	16	35	...	4
	Hurt	12,128	7,569	7,741	16,113	13,419	2,331	4	359
	Wrongful restraint and wrongful confinement.	279	109	112	226	167	57	...	2
	Criminal force and assault ...	2,640	1,400	1,419	2,895	2,414	376	1	104
	Kidnapping or forcible abduction, slavery, forced labour and buying or selling a minor for the purpose of prostitution.	153	66	69	123	60	51	3	9
	Rape	66	46	55	61	41	18	1	1
	Unnatural offence	27	26	28	33	11	21	...	1
Offences against property, Chapter XVII, Indian Penal Code.	Theft	2,757	2,141	2,207	2,937	823	2,023	8	83
	Extortion	134	28	30	61	39	21	...	1
	Robbery and dacoity ...	210	132	149	422	178	209	...	35
	Criminal misappropriation of property.	53	32	31	42	18	24	...	...
	Criminal breach of trust ...	296	155	163	188	87	89	...	12
	Receiving stolen property ...	539	515	531	705	183	490	6	26
	Cheating	332	135	136	206	104	89	3	10
	Fraudulent deeds and disposition of property.	12	7	7	7	6	1	...	...
	Mischief	1,829	1,013	1,039	2,220	1,739	411	1	69
	Criminal trespass	3,808	2,546	2,624	4,166	2,415	1,614	4	133
Offences relating to documents and to trade and property marks, Chapter XVIII, Indian Penal Code.		43	29	37	50	26	13	1	10
Criminal breach of contract of service, Chapter XIX, Indian Penal Code.		4	1	1	3	3	...	...	...
Offences relating to marriage, Chapter XX, Indian Penal Code.		1,554	714	736	874	751	100	6	17
Defamation, Chapter XXI, Indian Penal Code.		529	154	155	248	197	42	...	9
Criminal intimidation, insult and annoyance, Chapter XXII, Indian Penal Code.		425	139	141	251	214	30	1	6
Total under the Indian Penal Code.	1902 ...	30,912	19,633	20,221	37,921	24,890	11,667	51	1,313
	1901 ...	30,729	19,838	20,311	36,430	23,490	11,624	57	1,259

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh during the year 1902—(concluded).

Description of offence.	Number of offences reported.	Number of cases returned as true	Number of cases brought to trial during the year.	Number of persons.				
				Under trial during the year including pending from previous year	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Code of Criminal Procedure, 1898, sections 107, 112—119, Security for keeping the peace.	1,251	506	520	2,246	918	1,255	1	72
Code of Criminal Procedure, 1898, sections 109, 110 and 112—119. Security for good behaviour.	766	714	748	1,356	177	1,149	12	18
Special and Local Laws.								
Arms Acts, XI of 1878 and XI of 1882...	51	51	54	64	13	46	...	5
Binding of Apprentices Act, XIX of 1850	1	1	1	1	...	1	...	...
Cantonments Act, XIII of 1889 ...	690	690	690	1,388	139	1,249	...	...
Cattle Trespass Act, I of 1871 (amended by Act I of 1891).	2,481	1,745	1,769	4,260	3,666	532	...	62
Criminal Tribes and Eunuchs Act, XXVII of 1871 (amended by Act II of 1897).	175	175	175	184	6	176	2	...
Cruelty to Animals Act, XI of 1890 ...	139	139	140	176	12	164	...	...
Emigration Act, XXI of 1883 (amended by Act XVIII of 1890, Act I of 1897 and Act VII of 1897).	3	3	3	4	2	2	...	...
European Vagrancy Act, IX of 1874 ...	1	1	1	1	...	1	...	...
Excise on Spirits and Drugs Act, XII of 1881.	165	162	168	227	45	181	...	1
Ferries Act, XVII of 1878 ...	10	8	8	9	2	7	...	...
Forests Act, VII of 1878 (amended by Act V of 1890).	46	44	44	112	7	105	...	...
Gaming and Lotteries Act, III of 1867 ...	100	100	100	497	54	437	...	6
Hackney Carriages Act, XIV of 1879 ...	102	100	100	141	31	110	...	...
Legal Practitioners Acts, XVIII of 1879 and IX of 1884.	3	3	3	4	...	4	...	...
Municipal Bye-laws Act, XV of 1883 ...	3,362	3,323	3,330	3,634	496	3,122	3	13
Opium Act, I of 1878	138	135	136	154	41	110	...	3
Opium Cultivation Act, XIII of 1857 ...	23	23	23	23	1	22	...	...
Police District Act, V of 1861 ...	2,539	2,527	2,530	3,507	236	3,266	1	4
„ Town Act, XX of 1856 ...	2	2	2	5	2	3	...	...
„ Road and Village Act, XVI of 1873	1	1	1	1	1	...	...	...
Post Office Act, VI of 1898... ...	1	1	1	1	...	1	...	...
Prisons Act, IX of 1894 (amended by Act XIII of 1898).	4	4	4	4	...	4	...	...
Printing Press Act, XXV of 1867 (amended by Act X of 1890 and Act XII of 1891).	1	1	1	1	1	...	...	...
Railways Act, IX of 1890 (amended by Act IX of 1896).	114	107	110	168	39	120	...	9
Registration Act, III of 1877 ...	4	4	4	6	...	6	...	...
Salt and Saltpetre Act, XII of 1882 ...	31	30	31	34	2	32	...	...
Sanitation Act, III of 1892, North-Western Provinces and Oudh.	501	501	501	556	3	553	...	...
Stage Coaches Act, XVI of 1861 (amended by Act I of 1898).	23	22	23	29	8	20	..	1
Stamps Act, II of 1899	80	79	80	100	19	77	2	2
Treasure Trove Act, VI of 1878 ...	3	2	3	10	8	2	...	...
Vaccination Act, XIII of 1880 ...	347	347	347	361	344	1	...	16
Village Police Act, XVIII of 1876 ...	8	8	8	8	...	8	...	...
Water Works Act, I of 1891, North-Western Provinces and Oudh.	11	11	11	11	4	7	...	...
Total under the Code of Criminal Procedure, 1882, and under Special and Local Laws. 1902	13,177	11,570	11,670	19,283	6,277	12,773	21	212
1901	13,494	11,603	11,697	18,833	6,572	12,021	26	214
GRAND TOTAL ... 1902	44,089	31,203	31,891	57,204	31,167	24,440	72	1,525
1901	44,223	31,441	32,008	55,263	30,062	23,645	83	1,473

IMPERIAL RETURN No. IIA—(CRIMINAL).

Showing the general result of the trial of European British subjects in the courts of the Province of Oudh during the year 1902.

Description of offence.	Number of persons accused and brought before a Magistrate. Within the year. On complaint, section 191 (*a*), Criminal Procedure Code.	On police report, section 191 (*b*), Criminal Procedure Code.	By Magistrate *suo motu*, section 191 (*c*) of the Code.	Total.	Number actually brought to trial.	Persons whose cases were disposed of. By District Magistrates and other 1st class Magistrates. Convicted.	Acquitted or discharged.	Total, omitting entries in columns 10 and 15.	Total for all courts. Convicted.	Acquitted or discharged.	Total.	Number of cases. Brought to trial.	Disposed of.	Subsidiary table.
1	3	4	5	7	9	11	12	16	25	26	27	29	30	36
1. Security for keeping the peace, section 107, Criminal Procedure Code.	1	...	...	1	1	...	1	1	...	1	1	1	1	Of cases shown in column 30. Disposed of by Magistrates. Being European British subjects.
2. Attempt to commit suicide, section 309, Indian Penal Code.	...	1	...	1	1	1	...	1	1	...	1	1	1	
3. Voluntarily causing hurt, section 323, Indian Penal Code.	5	...	...	5	5	4	1	5	4	1	5	5	5	
4. Voluntarily causing hurt by dangerous weapons or means, section 324, Indian Penal Code.	...	1	...	1	1	...	1	1	...	1	1	1	1	
5. Criminal breach of trust by clerk or servant, section 408, Indian Penal Code.	..	2	...	2	2	2	...	2	2	...	2	2	2	
6. Dishonestly receiving stolen property, section 411, Indian Penal Code.	...	1	...	1	1	...	1	1	...	1	1	1	1	
7. Cheating or dishonestly inducing delivery of property, section 420, Indian Penal Code.	1	...	...	1	1	...	1	1	...	1	1	1	1	
8. Mischief, section 426, Indian Penal Code ...	5	...	...	5	5	...	5	5	...	5	5	1	1	
9. Enticing or taking away or detaining with criminal intent a married woman, section 498, Indian Penal Code.	1	...	...	1	1	...	1	1	...	1	1	1	1	
10. Criminal intimidation, section 506, Indian Penal Code	1	1	...	2	2	1	1	2	1	1	2	2	2	
11. Nuisances, section 34, Act V of 1861 ...	...	3	...	3	3	3	...	3	3	...	3	3	3	
12. Section 13, Chapter III, Cantonment Code ...	...	1	...	1	1	1	...	1	1	...	1	1	1	
13. Section 22, Cantonment Code	1	...	...	1	1	1	...	1	1	...	1	1	1	
14. Section 210, ditto	...	1	...	1	1	1	...	1	1	..	1	1	1	
15. Section 226, ditto	...	...	1	1	1	...	1	1	...	1	1	1	1	
Total ... 1902	15	11	1	27	27	14	13	27	14	13	27	23	23	23
Total ... 1901	6	5	5	16	16	9	7	16	8	8	16	14	14	14

IMPERIAL RETURN No. III—(CRIMINAL).

Statement of miscellaneous proceedings under the Criminal Procedure Code in the Province of Oudh during the year 1902.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.
1	2	3	4	5
1. Proceedings against witnesses under Chapter VIc and section 485 of Chapter XXXII.	16	18	3	15
2. Proceedings under Chapter VIII to prevent breach of the peace	520	2,246	918	1,255
3. Proceedings under Chapter VIII, security for good behaviour...	748	1,356	177	1,149
4. Proceedings against local nuisances, Chapter X	332	1,000	182	689
5. Possession, Chapter XII	66	181	91	66
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, section 250.	264	275	1	274
7. Non-attendance of jurors or assessors, Chapter XXIII, section 332.	12	12	9	3
8. Maintenance, Chapter XXXVI.	655	657	504	143
9. Forfeiture of bail or recognizance under Chapter XLII ...	86	115	27	86
10. Proceedings under Chapter XLVI, section 563, against convicted offenders released under section 562.	15	22	1	20
Total ... 1902	2,714	5,882	1,913	3,700
Total ... 1901	2,546	4,891	1,826	2,816

IMPERIAL RETURN No IV– (CRIMINAL).

Statement showing the general result of criminal trials in the tribunals of various classes in the Province of Oudh during the year 1902.

Class of courts.	Total number of persons under trial.	Persons whose cases were disposed of.											Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.
		Died, escaped or transferred to another province.	Discharged or acquitted.	Convicted.								Committed or referred.				
				On regular trial.				On summary trial.								
				Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.		Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.						
						Discharged after admonition.	Delivered to parent or guardian.			Discharged after admonition.	Delivered to parent or guardian.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Subordinate Magistrates. Special Magistrates under section 14.	231	...	151	37	...	...	...	27	1	...	...	15	...	102	8·22	392
Honorary Magistrates sitting singly	2,503	1	1,979	473	...	...	...	...	...	...	...	...	50	1,141	10·57	2,144
Stipendiary Magistrates sitting singly.	46,592	61	25,677	14,605	87	5	4	3,926	20	9	2	892	1,304	24,909	9·64	75,343
Benches of Magistrates.	6,409	4	2,731	3,445	...	...	...	196	...	...	...	...	33	4,482	5·67	3,332
District and Divisional Magistrates—cases referred under sections 347, 349, Criminal Procedure Code.	360	1	32	296	28	...	...	...	...	...	...	1	2	37	2·40	3
Chief Magistrates of Districts.	936	3	259	291	1	...	...	341	...	...	...	28	13	471	10·77	1,973
Deputy Commissioners under section 30, Act V of 1898.	36	...	2	28	...	...	...	6	...	...	...	...	...	27	19·25	198
Total of Magistracy. 1902	57,067	70	30,831	19,175	116	5	4	4,496	21	9	2	936	1,402	31,169	9·12	83,385
Total of Magistracy. 1901	55,191	78	29,743	18,287	129	11	14	4,662	36	1	4	867	1,359	34,113	8·31	85,578
Sessions Judges. 1902	1,073	2	336	612	...	...	...	...	...	...	...	...	123	487	44·73	5,053
Sessions Judges. 1901	939	5	319	498	...	3	...	...	...	...	...	...	114	468	38·22	5,476

IMPERIAL RETURN No. V—(CRIMINAL).

Statement showing punishments inflicted by the various criminal tribunals in the Province of Oudh during the year 1902.

Class of courts.	Persons sentenced to—								Persons ordered to find or give security or recognizance to keep the peace or security for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishments.																Number of boys whose sentences were commuted to detention in a reformatory school
				Imprisonment.							Fine.								Imprisonment.					Whipping.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.			Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under	Rs. 500 and under.	Rs. 1,000 and under	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realised during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes.	20 stripes	30 stripes.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs.	Rs.	Rs.									
Subordinate Magistrates: Special Magistrates.	...	...	...	26	5	...	33	12	1	...	21	12	...	...	..	...	551	518	114	3	23	5	...	...	6	4	2	...
Honorary Magistrates sitting singly.	...	...	...	91	5	...	400	1	...	...	376	24	...	...	...	...	1,598	1,630	199	45	51	...	...	..	...	1	...	...
Stipendiary Magistrates sitting singly.	...	...	...	4,770	293	...	11,176	1,271	2,391	1,037	9,839	1,230	73	29	5	...	72,215	62,797	8,916	728	2,831	1,502	2	..	340	599	332	3
Benches of Magistrates.	...	...	...	62	10	...	3,590	...	...	...	3,555	34	...	1	...	...	4,547	4,229	279	28	44	...	...	...	...	...	...	...
District and Divisional Magistrates—cases referred under sections 347, 349 Criminal Procedure Code.	...	...	...	41	1	...	30	192	22	...	24	5	1	...	...	...	26	26	...	2	21	19	...	...	74	96	22	1
Chief Magistrates of districts.	...	...	...	150	7	...	342	60	103	65	286	43	8	5	...	...	3,851	3,100	132	13	71	51	22	...	8	25	27	3
Deputy Commissioners under section 30, Act V of 1898.	...	...	...	33	...	...	2	1	...	...	...	...	2	..	...	...	200	100	...	...	1	8	24	...	...	...	1	...
Courts of Session	58	188	...	366	5	...	49	13	35	30	...	16	12	4	...	...	3,990	1,352	70	11	26	80	231	23	...	1	12	...
Total ... 1902	58	188	...	5,539	326	...	15,622	1,550	2,552	1,132	14,118	1,364	96	39	5	...	86,978	73,752	9,710	830	3,068	1,665	279	23	428	726	396	7
1901	32	108	...	5,808	338	...	14,901	1,877	1,905	1,060	13,488	1,306	85	22	...	...	74,930	66,062	8,711	928	3,086	1,777	322	33	558	997	322	10

IMPERIAL RETURN No. VA.—(CRIMINAL).

PART I.

Showing whippings inflicted under sections 2 and 3, Act VI, 1864, in lieu of other punishments in the Province of Oudh during the year 1902.

Offences for which awarded.	Number of stripes awarded.												
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		Total.
	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
IN LIEU OF OTHER PUNISHMENTS.													
(SECTIONS 2 AND 3, ACT VI, 1864.)													
1. Theft as defined in sec. 378, I. P. C.	37	2	158	4	139	3	79	5	31	3	54	9	524
2. Theft in a building, tent or vessel as defined in ... „ 380, „ ...	26	...	48	2	43	...	34	1	10	...	16	1	181
3. Theft by a clerk or servant as defined in ... ... „ 381, „ ...	6	...	13	...	21	...	10	...	9	...	9	...	68
4. Theft after preparation for causing death or hurt as defined in ... ... „ 382, „ ...	...	...	...	...	...	...	...	...	...	...	1	...	1
5. Putting a person in fear of accusation of offence in order to commit extortion as defined in ... ... „ 389, „ ...	...	...	...	...	...	..	1	...	...	...	...	...	1
6. Dishonestly receiving stolen property as defined in ... „ 411, „ ...	2	...	28	...	39	...	20	6	12	...	15	1	123
7. Ditto ... „ 412, „ ...	...	...	...	...	...	...	1	...	...	...	...	...	1
8. Lurking house-trespass as defined in ... ... „ 443, „ ...	...	...	...	...	...	...	...	...	1	...	...	...	1
9. Lurking house-trespass by night as defined in ... „ 444, „ ...	...	...	1	...	5	...	1	...	1	...	...	...	8
10. House-breaking as defined in ... ... „ 445, „ ...	...	...	2	...	6	...	7	...	2	...	4	...	21
11. House-breaking by night as defined in ... ... „ 446, „ ...	...	...	8	...	22	...	19	1	3	...	6	1	60
12. House-trespass as defined in ... ... „ 451, „ ...	...	...	...	...	...	...	1	...	1	...	...	...	2
13. Lurking house-trespass or house-breaking as defined in „ 454, „ ...	4	...	14	...	13	...	6	1	5	...	2	...	45
14. Lurking house-trespass or house-breaking by night as defined in ... ... „ 456, „ ...	...	...	...	...	2	...	...	...	...	...	2	...	4
15. Ditto ... „ 457, „ ...	2	...	26	...	49	...	68	2	27	1	36	2	213
16. Offences under section 19, Act XXVII of 1871	1	...	2	...	5	2	9	...	2	...	9	...	30
Total ... 1902 ...	78	2	300	6	344	5	256	16	104	4	154	14	1,283
Total ... 1901 ...	86	2	447	5	550	23	325	22	78	15	107	19	1,679

IMPERIAL RETURN No. VA.—(CRIMINAL).

PART II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in the Province of Oudh during the year 1902.

Offences for which awarded.	Number of stripes.						Total.
	5 and under.	6 to 10.	11 to 15.	16 to 20	21 to 25	26 to 30.	
1	2	3	4	5	6	7.	8
IN ADDITION TO OTHER PUNISHMENTS.							
(SECTIONS 3 AND 4.)							
A.—Section 3.							
Theft, as defined in section 378, I. P. C.	...	2	18	12	4	21	57
Theft in a building, tent or vessel, as defined in section 380, „	...	5	2	3	3	6	19
Theft by a clerk or servant, as defined in section ... 381, „	...	...	...	1	...	...	1
Dishonestly receiving stolen property, as defined in sec. 411, „	...	...	4	4	1	4	13
Lurking house-trespass, as defined in section ... 443, „	...	...	2	...	1	3	6
Lurking house-trespass or house-breaking by night, as defined in section ... 446, „	...	1	4	6	2	16	29
Lurking house-trespass or house-breaking as defined in section ... ... 454, „	...	...	2	...	...	1	3
Lurking house-trespass or house-breaking by night, as defined in section ... 457, „	...	...	3	1	4	14	22
Offences under section 19, Act XXVII of 1871	...	...	7	8	...	42	57
B.—Section 4.							
False charge of unnatural offence, as defined in section ... ... $\frac{211}{377}$ I. P. C.	...	1	...	...	...	...	1
Robbery, as defined in section 392, „	...	...	...	...	...	1	1
Lurking house-trespass or house-breaking as defined in section ... ... 445, „	...	...	...	...	...	2	2
Lurking house-trespass or house-breaking by night, as defined in section ... 457 „	...	...	1	...	...	...	1
Total ... 1902	...	9	43	35	15	110	212
Total ... 1901	...	6	24	40	18	83	171

IMPERIAL RETURN No. VA.—(CRIMINAL).

PART III.

Showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in Parts I and II in the Province of Oudh during the year 1902.

Offences.	Stripes.												Total.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Theft as defined in ... sec. 378, I. P. C.,	...	...	4	...	...	...	...	...	...	...	...	...	4
Ditto ... „ 380, „	2	...	1	...	...	...	...	...	...	...	...	...	3
Voluntarily causing hurt as defined in ... „ 323, „	...	...	...	...	1	...	...	...	...	...	...	...	1
Voluntarily causing grievous hurt as defined in „ 325, „	1	...	...	...	1	...	...	...	...	...	...	...	2
Voluntarily causing grievous hurt by dangerous weapons or means as defined in .. ... „ 326, „	...	...	...	...	...	...	...	...	1	...	...	...	1
Assault or criminal force to a woman with intent to outrage her modesty as defined in ... „ 354, „	...	...	1	...	..	...	...	...	...	...	...	...	1
Kidnapping as defined in „ 363, „	...	...	...	...	...	...	...	...	1	...	..	...	1
Rape as defined in ... „ 376, „	1	...	1	...	...	...	1	...	...	...	3	...	6
Unnatural offence as defined in ... ... „ 377, „	...	...	1	...	1	...	2	...	...	...	...	...	4
Attempt to commit unnatural offence as defined in ... ... „ 377, 511, „	...	...	1	...	...	..	...	...	...	...	1	...	2
Attempt to commit suicide as defined in ... „ 309, 511, „	2	...	1	...	...	...	...	...	...	...	...	...	3
Attempt to commit robbery as defined in ... „ 393, „	...	...	...	...	...	...	...	...	...	...	1	...	1
Criminal breach of trust as defined in ... „ 405, „	...	...	...	...	...	...	1	...	...	...	...	...	1
Criminal breach of trust by clerk or servant as defined in ... ... „ 408, „	1	...	...	...	2	...	...	...	...	...	...	...	3
Criminal breach of trust as defined in .. ... „ 406, „	...	...	1	...	...	...	...	...	...	...	...	...	1
Cheating as defined in ... „ 417, „	...	...	...	...	1	...	...	...	...	...	...	...	1
Cheating and dishonestly inducing delivery of property as defined in... „ 420, „	...	...	...	...	1	...	...	...	...	...	...	..	1
Mischief by killing or maiming cattle as defined in ... ... „ 429, „	...	...	1	...	1	...	...	...	...	...	...	...	2
Lurking house-trespass or house-breaking as defined in ... ... „ 454, „	1	...	2	...	1	...	...	...	...	...	...	...	4
Lurking house-trespass or house-breaking by night as defined in ... „ 457, „	...	...	1	...	...	...	...	...	...	...	...	...	1
Delivery of King's coin possessed with knowledge that it is counterfeit as defined in .. „ 240, „	...	...	...	...	...	...	...	...	...	...	...	1	1

IMPERIAL RETURN No. VA.—(CRIMINAL).

PART III.

Showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in Parts I and II in the Province of Oudh during the year 1902—(concluded).

Offences.	Stripes. 5 and under. 1st conviction.	5 and under. Subsequent conviction.	6 to 10. 1st conviction.	6 to 10. Subsequent conviction.	11 to 15. 1st conviction.	11 to 15. Subsequent conviction.	16 to 20. 1st conviction.	16 to 20. Subsequent conviction.	21 to 25. 1st conviction.	21 to 25. Subsequent conviction.	26 to 30. 1st conviction.	26 to 30. Subsequent conviction.	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Delivery of King's coin as genuine, which when first possessed the deliverer did not know to be counterfeit as defined in sec. 241, I. P. C.	...	...	1	...	...	...	...	...	...	..	...	...	1
Delivery of King's coin possessed with knowledge that it is altered as defined in ... .. „ 251, „	...	...	...	...	...	...	1	...	...	...	...	...	1
Rioting and voluntarily causing grievous hurt as defined in ... „ 147, 325, „	...	...	...	...	1	...	...	...	...	...	...	...	1
Offences under section 13, Act III of 1867 ...	...	...	2	...	...	...	...	...	...	...	...	...	2
Offences under the Railways Act, IX of 1890 ...	...	...	5	...	1	...	...	...	...	...	...	...	6
Total ... 1902 ...	8	...	23	...	11	...	5	...	2	...	5	1	55
Total ... 1901 ...	4	...	7	1	4	...	7	1	1	...	2	...	27

IMPERIAL RETURN No. VA.—(CRIMINAL).

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments in the Province of Oudh during the year 1902.

Punishments.	Number.	Remarks.
1	2	3
(1) Total number of whippings awarded	1,550	
(2) Total number of other punishments in cases in which whipping might have been awarded.	2,546	
(3) Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)	4,096	
Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3). . 1902	37·84	
1901	35·93	

IMPERIAL RETURN No. VI—(CRIMINAL).

Showing the result of Appeals and Revisions in Criminal cases in the Province of Oudh during the year 1902.

Tribunals.	Total number of appellants or applicants before the courts.	Number of persons.										Average number of days each appeal lasted.	Number of persons dealt with under—		Remarks.
		Died, escaped or transferred to another province.	Appeals or applications rejected.	Sentences or orders confirmed.	Sentences enhanced.	Sentences reduced or otherwise altered.	Sentences reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to High Court.	Pending trial.		Section 106 (3), Criminal Procedure Code.	Section 8, clause 2 of the Reformatory Schools Act.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Appeals.															
To Chief Magistrates of Districts.	1,469	2	68	907	...	138	257	...	16	...	81	14·71	3	...	
To Sessions Courts ...	2,107	31	579	762	...	319	231	7	120	6	52	19·34	...	1	
Superior Courts. By persons convicted.	524	...	40	275	1	72	77	...	29	...	30	43·54	...	...	
Superior Courts. By Government.	7	...	...	3	...	...	4	...	...	...	...	49·00	...	...	
Total ... 1902	4,107	33	687	1,947	1	529	569	7	165	6	163	21·61	3	1	
Total ... 1901	3,825	13	559	1,910	...	500	532	5	100	13	193	18·98	6	...	
Revisions.															
By Chief Magistrates of Districts.	74	...	396	559	...	7	3	33	232	21	70	12·37	...	...	518 applications by 556 complainants against 1,247 accused.
By Courts of Session...	645	3	379	516	...	5	20	7	52	100	20	22·35	...	...	152 applications by 175 complainants against 457 accused.
By Superior Courts ...	560	...	166	165	39	47	131	8	52	...	39	28·75	...	...	48 applications by 50 complainants against 87 accused.
Total ... 1902	1,279	3	941	1,240	39	59	151	48	336	121	129	20·74	...	...	718 applications by 781 complainants against 1,791 accused.
Total ... 1901	1,091	6	1,065	916	103	67	15	9	264	147	105	18·48	...	...	582 applications by 614 complainants against 1,747 accused.

JUDICIAL RETURN No. XIII—(CRIMINAL).

Statement showing the use of Jurors and Assessors in the Criminal Courts in the Province of Oudh during the year 1902.

Class of courts in which Assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of Jurors or Assessors in each case and prescribed qualifications.	Number of cases tried by Jury.	Number of cases with Assessors.	Jury trials.					Assessors' trials.		
				Cases in which Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved		Number of cases in which the Judge agreed with Assessors.	Number of cases in which the Judge differed from—	
					Wholly.	Partially.	Whose cases he referred under section 307, Criminal Procedure Code.	Whose cases he did not refer under section 364, Criminal Procedure Code.		One Assessor.	Both Assessors.
1	2	3	4	5	6	7	8	9	10	11	12
Sessions Judge, Lucknow	7	18	68	18	...	...	...	...	44	11	13
Ditto Sitápur ...	2	...	113	...	...	...	...	...	80	4	29
Ditto Hardoi ...	2	...	77	...	...	...	...	...	59	5	13
Ditto Fyzabad...	3	...	63	...	...	...	...	...	50	6	7
Ditto Gonda ...	2	...	94	...	...	...	...	...	59	19	16
Ditto Rae Bareli	2	...	44	...	...	...	...	...	39	2	3
Total ... 1902	...	18	459	18	...	...	...	...	331	47	81
Total ... 1901	...	29	412	27	1	1	1	1	297	29	86

A.—Showing the Original work disposed of and the result of trials in the Courts of Session and Courts of Magistrates in the Province of Oudh for the year 1902.

Districts.	Courts of Session.					Courts of Magistrates.				
	Cases disposed of.	Pending.	Number of persons whose cases were disposed of.	Number of persons convicted.	Number per cent. of persons entered in column 4 who were convicted.	Cases disposed of.	Pending.	Number of persons whose cases were disposed of.	Number of persons convicted.	Number per cent. of persons entered in column 9 who were convicted.
1	2	3	4	5	6	7	8	9	10	11
Lucknow ...	71	9	124	63	50	5,310	42	8,597	5,417	63
Assistant Sessions Judge.	18	6	30	20	66	...	...	...	...	...
Bara Banki ...	...	...	...	...	...	2,537	55	4,515	2,547	56
Sitápur ...	68	22	131	95	72	2,393	41	4,429	1,520	34
Assistant Sessions Judge.	46	1	81	37	45	...	...	...	...	...
Kheri ...	...	...	...	...	...	1,962	40	4,273	1,043	24
Hardoi ...	66	9	119	91	76	2,925	83	5,520	2,291	41
Assistant Sessions Judge.	13	...	27	14	51	...	...	...	...	...
Unao ...	...	...	...	...	...	2,309	60	4,228	1,744	41
Fyzabad ...	54	5	106	76	71	3,355	71	5,969	2,812	47
Assistant Sessions Judge.	9	2	11	10	90	...	...	...	...	...
Sultánpur ...	...	...	...	...	...	2,309	56	4,439	1,262	28
Gonda ...	98	8	253	159	62	2,369	36	4,126	1,769	42
Bahraich ...	...	...	...	...	...	1,854	34	3,094	1,410	45
Rae Bareli ...	44	3	68	47	69	1,898	28	3,206	1,142	35
Partábgarh ...	...	...	...	...	...	1,948	53	3,269	871	26
Total 1902	487	65	950	612	64	31,169	599	55,665	23,828	42
Total 1901	468	60	825	498	60	31,337	639	53,832	23,144	42

B.—Showing particulars of appeals and applications for revision in the Province of Oudh in 1902.

Districts.	Courts of Session.						Courts of Magistrates.	
	Number of appeals and applications disposed of.	Pending.	Number of persons who appealed.	Ratio per cent. of persons appealing to persons in respect to whom appealable orders were passed.	Number of appellants in whose cases the sentences or orders were confirmed.	Ratio per cent. of confirmed to decided.	Number of appeals and applications disposed of.	Pending.
1	2	3	4	5	6	7	8	9
Lucknow	242	6	227	19	138	61	112	6
Bara Banki ...	170	5	241	42	119	50	79	16
Sitápur ...	168	...	154	21	64	41	112	...
Kheri	84	1	77	21	27	35	133	13
Hardoi	254	2	178	39	80	47	126	4
Unao	103	3	132	37	85	69	87	...
Fyzabad	164	4	190	44	126	67	175	7
Sultánpur... ...	199	4	191	50	160	85	213	14
Gonda	411	9	387	45	300	78	97	7
Bahraich	109	1	126	34	83	64	65	3
Rae Bareli ...	122	4	111	27	84	78	139	2
Partábgarh ...	110	4	93	86	75	84	102	1
Total ... 1902	2,136	43	2,107	33	1,341	65	1,440	73
Total ... 1901	1,780	76	1,826	27	1,196	69	1,492	40

C.—Showing particulars regarding witnesses in the Province of Oudh in the year 1902.

District.	Courts of Session.					Courts of Magistrates.				
	Number of persons who attended as witnesses.	Number of witnesses examined.	Number of witnesses discharged after the 2nd day.	Number to whom payments were made.	Amount paid.	Number of persons who attended as witnesses.	Number of witnesses examined.	Number discharged after the 2nd day.	Number to whom payments were made.	Amount paid.
1	2	3	4	5	6	7	8	9	10	11
					Rs.					Rs.
Lucknow ...	903	599	62	569	773	9,126	8,972	20	1,468	488
Assistant Sessions Judge.	242	157	2	136	80	...	...	...	...	...
Bara Banki...	...	...	...	....	...	7,216	7,157	603	1,511	704
Sitápur ...	1,302	1,136	519	1,022	946	9,039	8,144	309	4,267	2,331
Assistant Sessions Judge.	634	480	113	547	437	...	...	...	...	...
Kheri ...	...	...	...	...	...	6,754	6,583	103	2,798	1,566
Hardoi ...	842	724	74	585	337	6,603	6,603	103	2,130	1,272
Assistant Sessions Judge.	236	88	20	162	57	...	...	...	...	...
Unao ...	...	...	...	...	...	7,072	7,072	42	1,961	898
Fyzabad ...	638	544	163	541	375	8,725	7,942	681	2,265	2,043
Assistant Sessions Judge.	75	55	...	63	59	...	...	...	...	...
Sultánpur ...	...	...	...	...	...	7,070	6,437	38	2,590	1,353
Gonda ...	948	869	53	799	576	8,837	8,837	...	1,983	903
Bahraich ...	...	...	...	...	...	5,533	5,513	...	1,943	993
Rae Bareli ...	494	401	145	373	280	6,349	6,349	158	2,287	1,301
Partábgarh ...	...	...	...	...	...	3,821	3,776	52	1,160	574
Total 1902	6,314	5,053	1,151	4,797	3,920	86,145	83,385	2,109	26,363	14,426
Total 1901	5,943	5,476	1,273	5,204	4,799	88,548	85,578	1,555	29,136	14,441

D.—Showing the total amount of fines imposed in the exercise of original jurisdiction by the Criminal Courts, the amount realised, and the amount paid by way of compensation, in the Province of Oudh in 1902.

Districts.	Courts of Session.			Magistrates' Courts.		
	Total amount of fines.	Amount realised.	Amount paid by way of compensation.	Total amount of fines.	Amount realised.	Amount paid by way of compensation.
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Lucknow	...	110	...	14,475	14,359	1,208
Assistant Sessions Judge ...	300	...	...	...	...	...
Bara Banki...	...	...	...	7,101	4,917	567
Sitápur	250	210	20	6,136	5,193	706
Assistant Sessions Judge ...	110	...	...	...	...	...
Kheri	...	...	...	4,808	3.558	916
Hardoi	...	...	...	5,682	5,365	1,059
Assistant Sessions Judge ...	1,800	...	...	...	...	...
Unao	...	...	...	8,549	6,740	533
Fyzabad	205	156	50	9,180	8,283	1,559
Assistant Sessions Judge ...	...	...	...	...	...	...
Sultánpur	...	...	...	7,532	6,832	454
Gonda	1,325	876	...	6,708	6,315	397
Bahraich	...	...	...	4,729	4,579	675
Rae Bareli	...	...	...	3,780	3,457	991
Partábgarh	...	...	...	4,308	2,802	575
Total ... 1902	3,990	1,352	70	82,988	72,400	9,640
Total ... 1901	2,200	401	38	72,730	65,661	8,673

E.—Showing the result of appeals and applications for revision in the High Court of Oudh in 1902.

Sessions Divisions.	Appeals.				Applications for revision.			
	Number of persons who appealed.	Sentence or order confirmed.	Sentence or order modified.	Pending trial.	Number of applicants.	Number of applicants whose applications were rejected.	Sentence or order modified.	Pending.
1	2	3	4	5	6	7	8	9
Lucknow	41	20	20	1	86	49	34	3
Bara Banki	79	57	21	1	96	75	14	7
Sítápur	37	25	10	2	22	4	18	...
Kheri	39	20	5	14	6	1	5	...
Hardoi	55	37	18	...	28	18	8	2
Unào	27	18	9	...	51	16	19	16
Fyzabad	30	23	7	...	37	22	14	1
Sultánpur	18	11	7	...	22	18	3	1
Gonda	45	26	19	...	35	24	11	...
Bahraich	113	55	48	10	42	25	16	1
Rae Bareli	28	13	13	2	5	3	2	...
Partábgarh	19	13	6	...	4	3	1	...
Total ... 1902 ...	531	318	183	30	434	258	145	31
1901 ...	491	316	130	45	351	229	108	14

F.—Showing the Criminal business coming on before the High Court of Oudh in 1902.

Description of case.	Remaining from 1901.	Filed in 1902.	Disposed of.	Remaining at end of the year.
ORIGINAL BUSINESS.				
Appeals.				
By persons convicted—From the orders of Deputy Commissioners acting under section 30 of the Code of Criminal Procedure.	3	48	51	...
Sessions Judges	36	377	396	17
By the Local Government.—From the judgment of acquittal of all Courts.	2	3	5	...
Total ...	41	428	452	17
References.				
Cases in which sentences of death passed by Sessions Judge were referred for confirmation under section 374 of the Code of Criminal Procedure.	2	42	39	5
Cases in which proceedings held against persons who could not understand them were referred for orders under section 341 of the Code of Criminal Procedure.	...	...	...	...
Total ...	2	42	39	5
Revisions.				
Cases referred for revision by District Magistrates and Sessions Judges under section 438, Code of Criminal Procedure. (1) By Magistrates ...	...	23	22	1
(2) By Sessions Judges ...	...	77	75	2
Cases dealt with by the Court under section 459, Code of Criminal Procedure. (1) Cases decided by Magistrates.	3	79	77	5
(2) Cases decided by Sessions Judges.	6	152	147	11
Total ...	9	331	321	19
Full bench reference	...	...	...	...
GRAND TOTAL ... 1902 ...	52	801	812	41
1901 ...	105	632	685	52

NOTE

ON THE

Administration of Criminal Justice

IN THE PROVINCE OF OUDH,

DURING THE CALENDAR YEAR ENDING 31ST DECEMBER 1903

WITH STATEMENTS.

ALLAHABAD:
Printed at the United Provinces Government Press.
1904.

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Note on the Administration of Criminal Justice in the Province of Oudh, during the calendar year ending 31st December 1903.

1. Of the two Assistant Sessions Judges appointed in 1902, the post of the Assistant Sessions Judge of Lucknow was vacant for seven months in 1903.

Judicial Statement No. I.

The average number of cases per officer is 150 in the year as compared with 180 per officer in the Agra province in 1902.

This Court consisted of three Judges throughout the year of report.

The general decrease in the number of cases decided is due to the lesser institutions of cases.

2. The number of offences of all kinds fell off in all districts except Bara Banki, with an increase of 301 cases reported, Kheri 116, Hardoi 198, and Fyzabad 276. The Lucknow district shows the largest decrease. The number of offences reported in that district in 1903 fell short of those reported in the previous year by 1,383, owing to a decrease in Municipal and Vaccination cases. The Sultánpur and Unao districts follow next with falls of 497 and 464. Then come Rae Bareli, Gonda, and Partábgarh, which show decreases of 250, 181, and 109, respectively.

Judicial Statement No. II.

3. The number of offences reported under the Indian Penal Code was less by 1,889 in 1903 than in the preceding year. This decrease was chiefly due to a fall of 120 reports in rioting and other offences against public tranquillity, 250 in prosecutions for false charges, 150 in offences affecting public health, with 1,100 cases of hurt and 250 of assault. In other offences under the Indian Penal Code there was not much change.

The decrease in rioting was shared by all the districts in Oudh, Hardoi showing the greatest change.

Fyzabad and Hardoi showed an increase in prosecution for false charges; but the other districts, especially Bara Banki, showed a decrease.

In Partábgarh there was an increase of 150 reports in offences affecting public health; but the other districts, especially Unao, showed a decrease.

In hurt and assault the decrease was shared by all districts, Sultánpur showing a decrease of 360; Lucknow, 250; Partábgarh, 240; and Sítapur, 140. The reason for this decrease is obscure; but it is suggested that the badness of the mango crop had something to do with it, and in the Fyzabad division the comparative peace between the tenants and *thekadárs* of the Ajudhya estate is said to be contributory.

4. Turning to the district figures there is a considerable decrease in the number of thefts and other offences against property reported in Lucknow, Fyzabad, and Gonda. This is partly due to the more prosperous times; but the vigorous preventive measures of the year before in these districts may be, to some extent, the cause. There is an increase under this head in some of the other districts, especially Kheri and Sítapur.

5. Under the Criminal Procedure Code and Special Laws there is a decrease of 271 reports in 1903. The principal variations are a decrease of 200 under section 107, Criminal Procedure Code, 45 under Criminal Tribes Act, 600 under Municipal Act, 200 under Police Act and 300 under Vaccination Act. There is an increase of 160 reports under section 110, Criminal Procedure Code, 50 under the Hackney Carriages Act, and 900 under the Sanitation Act.

The decrease under section 107, Criminal Procedure Code, is due to the Bara Banki district, where the figures were swelled last year owing to a disagreement between the Shias and Sunnis at Fatehpur.

The decrease under the Criminal Tribes Act is in Gonda.

Under the Municipal Act there was a decrease of 600 cases in Lucknow and also a decrease in Kheri. In Hardoi there was a slight increase.

In Lucknow the police appear to have been less active in nuisance cases.

The decrease under the Police Act is largely due to Bara Banki, where the Village Sanitation Act, as far as possible, was worked in preference. The decrease under the Vaccination Act is almost entirely due to Lucknow, where vaccination was stopped for a time owing to a rumour that it was being used for inoculation and spread of plague.

Under section 110, Criminal Procedure Code, more vigorous action was taken in many districts. In Lucknow, Bara Banki, and Gonda there was a decrease in the number of cases chiefly because the action in previous years had been adequate. In Sultánpur and Partábgarh very little use was made of this section; but in the other districts, especially Hardoi, Rae Bareli, and Fyzabad, there was increased activity, and this, it is said, has already had some effect in reducing the number of offences against property.

The rise in cases under the Hackney Carriages Act is due to Lucknow, where efforts were made to improve the service.

The increase in cases under the Sanitation Act consists of an increase of 500 in Bara Banki and 400 in Fyzabad. In Bara Banki the Act was extended and in Fyzabad it was introduced into four towns. The large number of cases is due to the recent introduction.

Kheri shows an increase in cattle trespass prosecutions.

6. The provisions of section 203, Criminal Procedure Code, appear to be carefully worked except at Bahraich and Rae Bareli. At Bahraich, in spite of a slight increase in the number of dismissals under this section, the District Magistrate complains of insufficient attention on the part of the Subordinate Magistrates. At Rae Bareli the percentage of cases dismissed without being brought to trial is going down every year notwithstanding the efforts of the District Magistrate. It is, however, 26 per cent.—not very much below the provincial average.

The District Magistrate of Gonda urges strongly that powers to hold a preliminary inquiry under section 202, Criminal Procedure Code, should be given to 3rd class Magistrates. The want of these powers is shown in the very small percentage of convictions in the Courts of Tahsíldárs. Also it is the 3rd class cases which are most often frivolous or vexatious, and which could be dismissed after a preliminary inquiry under section 202.

The holding of a preliminary inquiry means that the witnesses are often harassed twice over, and the Court has to spend double time over a case. But still the power might be given if these Magistrates are allowed to entertain complaints.

At Sultánpur, where the power to entertain complaints was taken away from the Tahsíldárs and Honorary Magistrates, the number of cases dismissed under section 203 was 1,781 out of 3,403 offences reported, or over 50 per cent.; while the average for the Province was only 27 per cent.

No doubt this result is satisfactory from the point of view of returns; but seeing that the *raison d'être* of Courts is to redress wrongs, the withdrawal of the power of entertaining complaints may not commend itself to a poor feeble person, who, having been assaulted by the village bully, has to walk perhaps 40 miles to headquarters and then 20 back to a district before he can even get an inquiry into his case begun.

7. Twenty-six European British subjects were brought to trial during the year of report against 27 in the previous year. Of these 21 were convicted. The convictions in 1902 numbered only 14. All these cases were disposed of by Magistrates and none by Sessions Judges.

Judicial Statement No. IIA.

8. I have already alluded to the increase of work under section 110, Criminal Procedure Code. The cases in which the accused were discharged are largely from Sítapur, where the District Magistrate remarks that the high average of discharges is due to want of care on the part of the police before taking up proceedings and that some of the men discharged should have been bound over. In Partábgarh also some of the accused are said to have been let off by the trying Magistrate without satisfactory reasons.

Judicial Statement No. III.

9. The number of cases under section 250 of the Code of Criminal Procedure fell from 264 to 189.

The District Magistrates are, as a rule, aware of the importance of this section; but they all find difficulty in getting the Subordinate Magistrates to make use of it. I do not think that this is at all surprising. There are a great many cases in which a Magistrate may not be prepared to consider the evidence; but it is quite another thing to summarily punish the complainant for bringing a false case, and I consider that it is only in rather glaring cases that the power should be exercised.

10. Proceedings under local nuisances fell from 332 to 264. The decrease is probably due to the larger number of cases instituted under the Village Sanitation Act in some districts.

The number of maintenance cases remained nearly the same as in the year before.

11. Corresponding with the decrease in the number of offences the total number of persons brought to trial fell from 57,067 to 55,308. The provincial average of convictions both in Sessions Courts and in Courts of Magistrates is almost the same as in the previous year. The district figures, however, present some variations.

Judicial Statement No. IV.

12. The percentages of convictions increased in Lucknow, Sítapur, Kheri, Fyzabad, Sultánpur, and Partábgarh. The other districts show a falling off except Gonda, where the figures remain unchanged. The rise is most marked in Sultánpur, where, as noted above, the District Magistrate reports that the power to receive complaints was withdrawn from the Tahsíldárs and Honorary Magistrates throughout the year, which resulted in a considerable reduction in the number of discharges and acquittals. This view is corroborated to a certain extent by the remarks of the District Magistrate of Hardoi, where the percentage of discharges and acquittals by the Tahsíldárs amounted to 78·56. The District Magistrate states that most of the cases coming before the Tahsíldárs are compromised or are petty cases of assaults, trespass, and the like, in which adequate proof is not forthcoming.

The decrease in convictions is most marked in Unao and in Bahraich. At Unao the work of the police is said to be efficient, and the District Magistrate expresses surprise at the low percentage of convictions. The fall in Bahraich is attributed to an increase in the number of groundless complaints which should have been dealt with under section 203.

13. There was a considerable fall in the percentage of convictions in the Sessions Courts of Fyzabad, Hardoi, and Gonda.

The Deputy Commissioners of Gonda and Bahraich decided a considerable number of cases under their special powers—thus greatly reducing the number of sessions cases triable by the Judge of Gonda.

14. Twenty-seven youthful offenders were dealt with under section 31, Act VIII of 1897, against 22 in 1902. Action was taken in 171 cases under section 562 of the Code of Criminal Procedure against 137 in the year before.

15. The average duration of cases taken for the Province as a whole was slightly lower than in 1902. In the Courts of Magistrates the duration was 9·07 against 9·12 days, and in Sessions Courts 39·76 against 44·73 days.

The district averages vary from 10·96 in Fyzabad to 6·6 in Lucknow. These are not high averages.

The number of cases pending over six weeks was 178. The districts of Sítapur (39), Sultánpur (30), Gonda (28), Lucknow (27), and Bara Banki (21) show the highest figures.

In Sítapur the number of these cases at the close of the previous year was 90. The District Magistrate notices the reduction during the year of report with satisfaction. This is attributed to the presence of a Magistrate in excess of the staff for 7½ months during the year. It is represented that the district requires another 1st class Magistrate permanently.

The District Magistrate of Unao also suggests the addition of a 1st class Magistrate to the staff of his district.

In Sultánpur the large number of cases pending over six weeks is ascribed to want of method on the part of the trying Magistrates.

Seven out of the 27 cases in Lucknow are of lunatics. There are several such cases in other districts also. In a few districts delay in the disposal of cases is ascribed to the trying Magistrate being also Treasury Officer.

A good many cases are, I believe, delayed by frivolous applications for transfer to another Court. Lucknow is so easy of access from all parts of Oudh that these applications can be easily made by persons who see a case is likely to go against them.

The prompt disposal of work by the Tahsíldárs in Bara Banki and Hardoi is commended by the District Magistrates of those districts.

The duration in Sessions Courts is high as compared with the Agra province. There, in 1902, the average duration was 32 days. In that Province, in 1902, 26 Sessions and Assistant Sessions Judges dealt with 1,963 cases, being an average of 75 each. In Oudh in the year under report seven Judges (I say seven as one Assistant Judge was not employed for a great part of the year) dealt with 481 cases, or less than 70 each. In some cases it would appear that the Judges allow their work to be unduly protracted.

The Judges of Lucknow and Sítapur show durations of 47·99 and 42·65, respectively. They both have outlying districts which they visit in alternate months and where the work is heavy.

In the case of the Judge of Sítapur I feel sure that the long durations are not due to want of energy.

In the other districts the durations approach those of the Agra province.

16. There was a slight decrease in the number of witnesses examined during the year, probably due to the fewer number of cases instituted. Of the 90,696 witnesses summoned (against 92,459 of the previous year) 79,492 are said to have been discharged on the first day, 8,056 on the second day, 1,877 on the third day, and the rest, except 99, between the fourth and seventh days. At Bara Banki and Gonda witnesses were detained over one week in some Courts with heavy files. Long detentions also occurred in the Courts of some District Magistrates owing to the cases taken up by them being intricate or under their enhanced powers.

The figures given above are unreliable. It is unlikely that out of the large number (92,000) of witnesses summoned before the criminal courts in 1902, only 2,109 were detained over two days. The statements for the year of report also show a similarly large number of witnesses discharged on the first and second days. The District Magistrate of Hardoi admits that he is unable to furnish correct figures of the total number of witnesses examined, as the registers of the Courts provide no column for making entries for that purpose.

No undue detention of witnesses is reported from Courts of Session except Fyzabad, where eleven witnesses were detained by the Judge over a week for want of time from other sessions work.

The proportion of witnesses to whom diet-money was paid is practically the same in Oudh as in the Agra province, but the average amount paid to each witness in Oudh is nearly Re. 0-13-0 in Sessions Courts and about Re. 0-8-0 in Magistrates' Courts against Re. 1-7-0 and nearly Re. 0-12-0 in the Agra province.

In Lucknow the amount given was small as most of the witnesses lived in the city. The amount given in Hardoi appears inadequate, only Rs. 828 being paid to 2,263 witnesses out of 8,300 attending the Courts. The amount given in Sessions Courts was sufficient, except, perhaps, in Fyzabad. The attention of the Magistrate of Hardoi and the Judge of Fyzabad has been drawn to this matter.

17. The numbers of the more severe forms of punishment, death, transportation and rigorous imprisonment, show a falling off, while the numbers of cases in which simple imprisonment was inflicted and fines were imposed increased. The only increase in the severe punishments occurs under imprisonments of seven years and under.

Judicial Statement No. V.

Sentences of solitary confinement decreased in most districts. This form of punishment does not appear to be resorted to as freely as might be desired, but most of the District Magistrates are trying to impress on their subordinates its usefulness.

The provincial average shows that in about 10 per cent. of cases in which rigorous imprisonment is given solitary confinement is included. The worst districts in this matter appear to be Lucknow, where only 28 sentences of solitary confinement were given, Hardoi 35, Partábgarh 30, Bahraich 25 and Unao 38. But in Bara Banki, Gonda (41 against 146) and Rae Bareli also there was a falling off in the number of such sentences.

There was a decrease of about Rs. 3,000 in the total amount of the fines imposed during the year; but the realizations exceeded those of the previous year by nearly Rs. 1,500, and are satisfactory in my opinion. The districts of Lucknow, Sultánpur, Bara Banki, and Partábgarh show the heaviest unrealized balances. A fifth of the total realizations are, however, accounted for by the Lucknow district alone.

18. In spite of the general decrease in the number of offences reported, the number of whippings inflicted was nearly the same as in the year before. Yet the percentage of whippings on the total number of all punishments has fallen from 37·84 to 32·43. This is probably due to the very large number of cases in which petty fines were imposed. There does not seem to be any reason to suppose that whipping is not awarded where it is required.

Judicial Statement No. VI.

19. There was a slight decrease in the total number of appeals and applications for revision filed during the year, nearly corresponding with the decrease in the number of original cases instituted. The decrease is shared equally by this Court, the Courts of Sessions and of District Magistrates, though the figures taken by districts show some increases here and there.

The most remarkable decreases occur in the Sessions Courts at Hardoi and Gonda. Appeals fell off considerably in the Sessions Court at Gonda, where fewer Barwárs were convicted under Act XXVIII of 1871 as compared with the previous year. There was a large decrease in the number of applications for revision filed in the Courts of the Judges of Hardoi and Sítapur.

More than two-thirds of the appeals were either rejected or remained without interference. The results in this respect are better than those of the previous year.

The pending file at the close of the year of report was much lighter than at the close of the previous year, and there is a perceptible improvement in the average duration of cases noticeable everywhere.

The Judge of Sítapur has effected a marked improvement, from 41 to 8 days, which considerably affects the provincial average. In Gonda the duration increased from 7 to 20 days.

The durations are now about the same in Sessions Courts as they were in 1902 in the Agra province. But the average amount of appellate work done by Sessions Judges would appear to be less. The average number of appellate cases dealt with in the year under report by Sessions Judges in Oudh is 344 against 431 by the Agra Judges in 1902.

Judicial Commissioner's Court.

20. The Criminal work before this Court was less in 1903 than in the preceding year.

Sixty-four Capital sentences came up for confirmation, of which no less than 35 came from Sítapur.

Thirty-two sentences were confirmed, 8 were altered to transportation, 6 reduced to imprisonment. There were 17 acquittals, leaving one case pending at the end of the year.

The duration of criminal cases of all kinds was less in the year under report than it had been before, being under 26 days both in appeals and revisions. The number of cases in which the sentence was enhanced on appeal showed a considerable increase.

LUCKNOW:
The 29th July 1904.

W. F. WELLS,
Offg. Judicial Commissioner.

Accompaniments.

Imperial Returns Nos. I, II, IIA, III, IV, V, VA, VI, and XIII.

(Maximum number of pages of the Report, excluding statistics, as fixed by the Government of India—10.)

IMPERIAL RETURN No. I—(CRIMINAL).

Showing the number of Judicial Divisions and the number of Officers exercising Original or Appellate Jurisdiction in the Province of Oudh on the last day of the year 1903.

Name of province.	Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Judges of Chief Court of province.	Number of Officers exercising Original or Appellate Jurisdiction.				Total number of cases decided.				Remarks.			
						Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts.	Original.		Appellate.				Europeans.	Natives.
										Regular.	Miscellaneous.	Regular.	Miscellaneous.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15			
														Grades of Judicial Officers.			
Territory subject to the Judicial Commissioner of Oudh.	23,992 sq. m.	12,833,077	6	12	3	*8	12	62	159	30,218	2,552	2,846	1,213	Officers exercising both Original and Appellate jurisdiction.	Judicial Commissioners.	3	...
															District and Sessions Judges.	4	2
															Assistant Sessions Judges.	1	1
															Deputy Commissioners.	12	...
														Officers exercising Original jurisdiction only.	Assistant Commissioners.	16	1
															Deputy Collectors.	2	43
															City and Cantonment Magistrates.	3	...
															Tahsíldárs ...	...	44
Total, 1902 ...	...	...	...	...	3	8	12	65	162	31,656	2,652	2,979	1,439		Honorary Magistrates.	2	110

* Includes two Assistant Sessions Judges.

For Home and Agricultural Departments.

	Europeans.	Natives.
Judicial Commissioners	3	...
Deputy Commissioners	12	...
District and Sessions Judges	4	2
Assistant Sessions Judges	1	1
Assistant Commissioners	16	1
Deputy Collectors	2	43
City Magistrates	1	...
Cantonment Magistrates	2	...
Tahsíldárs	...	44
Honorary Magistrates	2	110

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted, and acquitted of each class of offence in the Province of Oudh during the year 1903.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial
1	2	3	4	5	6	7	8	9
Offences against the public tranquillity, chapter VIII, Indian Penal Code.	586	467	501	2,505	935	1,299	8	263
Offences by, or relating to, public servants, chapter IX, Indian Penal Code.	64	30	30	42	26	15	...	1
Contempt of the lawful authority of public servants, chapter X, Indian Penal Code.	491	449	463	704	276	398	...	30
False evidence and offences against public justice, chapter XI, Indian Penal Code.	396	356	379	495	199	256	7	33
Offences relating to coin .... (Chapter XII, Indian Penal Code.)	31	27	28	38	11	27	...	...
Offences relating to Government stamps. (Chapter XII, Indian Penal Code.)	2	2	2	2	...	2	...	...
Offences relating to weights and measures, chapter XIII, Indian Penal Code.	32	30	30	35	11	24	...	...
Offences affecting public health, &c., chapter XIV, Indian Penal Code.	411	361	363	513	95	411	...	7
Offences relating to religion, chapter XV, Indian Penal Code.	77	20	22	47	41	6	...	...
Offences affecting the human body, chapter XVI, Indian Penal Code. — Offences affecting life ...	527	511	563	783	278	436	4	65
Causing miscarriage, injury to unborn children, exposure of infants, and the concealment of births.	49	44	49	53	7	41	...	5
Hurt	11,013	6,974	7,142	15,000	12,535	2,104	12	349
Wrongful restraint and wrongful confinement.	231	74	74	163	129	21	1	12
Criminal force and assault ...	2,479	1,234	1,273	2,757	2,299	396	3	59
Kidnapping or forcible abduction, slavery, forced labour and buying or selling a minor for the purpose of prostitution.	144	62	65	106	60	42	3	1
Rape	59	39	41	49	21	21	1	6
Unnatural offence	38	32	33	35	14	20	...	1
Offences against property, chapter XVII, Indian Penal Code. — Theft	2,753	2,176	2,229	3,089	923	2,074	5	87
Extortion	160	50	51	86	63	17	...	6
Robbery and dacoity ...	195	121	137	440	205	199	3	33
Criminal misappropriation of property.	60	26	26	36	16	19	...	1
Criminal breach of trust ...	302	182	191	211	69	129	2	11
Receiving stolen property ...	531	515	535	750	153	582	1	14
Cheating	309	155	160	209	99	100	2	8
Fraudulent deeds and disposition of property.	5	3	3	11	6	5	...	...
Mischief	1,781	980	1,011	2,103	1,680	377	4	42
Criminal trespass	3,772	2,553	2,617	4,210	2,348	1,701	7	154
Offences relating to documents and to trade and property marks, chapter XVIII, Indian Penal Code.	50	22	33	41	18	19	...	4
Criminal breach of contract of service, chapter XIX, Indian Penal Code.	11	4	4	12	12	...	...	...
Offences relating to marriage, chapter XX, Indian Penal Code.	1,423	637	651	824	710	89	5	20
Defamation, chapter XXI, Indian Penal Code.	561	188	195	312	257	45	1	9
Criminal intimidation, insult and annoyance, chapter XXII, Indian Penal Code.	470	144	147	327	273	50	...	4
Total under the Indian Penal Code. — 1903 ...	29,013	18,468	19,048	35,988	23,769	10,925	69	1,225
1902 ...	30,912	19,633	20,221	37,921	24,890	11,667	51	1,313

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted, and acquitted of each class of offence in the Province of Oudh during the year 1903—(concluded).

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons.— Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Code of Criminal Procedure, 1898, sections 107, 112 to 119. Security for keeping the peace.	1,016	403	417	1,604	641	881	...	82
Code of Criminal Procedure, 1898, sections 109, 110 112 to 119. Security for good behaviour.	927	840	854	1,533	201	1,223	1	108
Special and Local Laws.								
Arms Acts (XI of 1878 and XI of 1882) ...	50	50	52	62	13	45	...	4
Cantonments Act (XIII of 1889) ...	737	728	728	2,082	125	1,957	...	...
Cattle Trespass Act (I of 1871 amended by Act I of 1891).	2,510	1,780	1,800	4,289	3,680	565	1	43
Criminal Tribes and Eunuchs Act (XXVII of 1871 amended by Act II of 1897).	130	130	130	131	3	126	2	...
Cruelty to Animals Act (XI of 1890) ...	116	115	115	139	20	119	...	...
Excise on Spirits and Drugs Act (XII of 1881).	192	190	191	232	36	193	...	3
Ferries Act (XVII of 1878)	13	11	11	83	73	10	...	...
Forests Act (VII of 1878 amended by Act V of 1890).	48	46	46	205	19	186	...	...
Gaming and Lotteries Act (III of 1867) ...	98	98	99	475	93	382	...	...
Hackney Carriages Act (XIV of 1879) ...	150	150	150	276	41	235	...	...
Indian Explosives Act (IV of 1884) ...	1	1	1	4	...	4	...	...
Legal Practitioners Acts (XVIII of 1879 and IX of 1874).	3	3	3	3	...	3	...	...
Lodging-House Act (I of 1892, North-Wesern Provinces and Oudh).	1	1	1	1	...	1	...	...
Marriage, Christian, Act (XV of 1872) ...	1	1	1	2	...	2	...	...
Municipal Bye-laws Act (I of 1900) ...	2,708	2,580	2,594	2,933	437	2,456	13	27
Opium Act (I of 1878)	102	101	102	120	27	92	...	1
Opium Cultivation Act (XIII of 1857) ...	11	11	11	11	...	11	...	...
Police District Act (V of 1861) ...	2,373	2,356	2,369	3,259	228	3,023	1	7
Police Town Act (XX of 1856) ...	1	1	1	1	...	1	...	...
Post Office Act (VI of 1898)	6	6	5	6	1	5	...	...
Prisons Act (IX of 1894 amended by Act XIII of 1898).	6	6	6	6	2	4	...	...
Petroleum Act (XII of 1886)	5	5	5	5	2	3	...	...
Railways Act (IX of 1890 amended by Act IX of 1896).	124	123	125	193	52	138	...	3
Salt and Saltpetre Act (XII of 1882) ...	14	14	14	18	1	17	...	...
Sanitation Act (III of 1892, North-Western Provinces and Oudh).	1,428	1,426	1,426	1,609	38	1,571	...	...
Stage Coaches Act (XVI of 1861 amended by Act I of 1898).	9	9	10	10	5	5	...	...
Stamps Act (II of 1899)	68	68	70	81	13	65	...	3
Treasure Trove Act (VI of 1878) ...	8	8	8	13	4	7	...	2
Vaccination Act (XIII of 1880) ...	46	43	43	60	44	14	...	2
Village Police Act (XVIII of 1876) ...	4	4	4	4	1	3	...	...
Total under the Code of Criminal Procedure, 1898, and under Special and Local Laws. 1903...	12,906	11,308	11,383	19,450	5,300	13,347	18	285
1902...	13,177	11,570	11,670	19,283	6,277	12,773	21	212
GRAND TOTAL ... 1903...	41,919	29,776	30,431	55,438	29,569	24,272	87	1,510
1902 ..	44,089	31,203	31,891	57,204	31,167	24,440	72	1,525

IMPERIAL RETURN No. IIA—(CRIMINAL).

Showing the general result of the trial of European British subjects in the courts of the Province of Oudh during the year 1903.

Description of offence.	Number of persons accused and brought before a Magistrate. Within the year. On complaint, section 191(*a*), Criminal Procedure Code.	On police report, section 191(*b*), Criminal Procedure Code.	By Magistrate *suo motu*, section 191(*c*) of the Code.	Total.	Number actually brought to trial.	Persons whose cases were disposed of— By District Magistrates and other 1st class Magistrates. Convicted.	Acquitted or discharged.	Total.	Total for all Courts. Convicted.	Acquitted or discharged.	Total.	Number of cases— Brought to trial.	Disposed of.	Subsidiary table.
1	3	4	5	7	9	11	12	16	25	26	27	29	30	36
1. Voluntarily causing hurt, section 323, Indian Penal Code.	1	...	...	1	1	1	...	1	1	...	1	1	1	Of cases shown in column 30.
2. Voluntarily causing grievous hurt, section 325, Indian Penal Code.	2	...	...	2	2	1	1	2	1	1	2	1	1	Disposed of by Magistrates. Being European British subjects.
3. Causing grievous hurt by an act which endangers life or the personal safety of others, section 338, Indian Penal Code.	...	1	...	1	1	...	1	1	...	1	1	1	1	
4. Using criminal force otherwise than on grave provocation, section 332, Indian Penal Code.	1	...	...	1	1	...	1	1	...	1	1	1	1	
5. Theft in a dwelling-house, &c., section 380, Indian Penal Code.	...	2	...	2	2	2	...	2	2	...	2	2	2	
6. Criminal breach of trust, section 406, Indian Penal Code.	1	...	...	1	1	1	...	1	1	...	1	1	1	
7. Dishonestly receiving stolen property, section 411, Indian Penal Code.	...	1	...	1	1	...	1	1	...	1	1	1	1	
8. Cheating and dishonestly inducing delivery of property, section 420, Indian Penal Code.	1	2	...	3	3	3	...	3	3	...	3	3	3	
9. Mischief, section 426, Indian Penal Code ...	1	...	...	1	1	1	...	1	1	...	1	1	1	
10. Criminal trespass, section 447, Indian Penal Code	...	1	...	1	1	1	...	1	1	...	1	1	1	
11. Intentional insult with intent to provoke a breach of the peace, section 504, Indian Penal Code.	1	...	...	1	1	1	...	1	1	...	1	1	1	
12. Cattle Trespass Act (I of 1871)	...	1	...	1	1	...	1	1	...	1	1	1	1	
13. Cantonments Act (XIII of 1889)... ...	...	3	4	7	7	7	...	7	7	...	7	7	7	
14. Municipal Bye-laws Act (I of 1900) ...	...	1	...	1	1	1	...	1	1	...	1	1	1	
15. Nuisances Act, section 34 (V of 1861) ...	...	2	...	2	2	2	...	2	2	...	2	2	2	
Total ... 1903 ...	8	14	4	26	26	21	5	26	21	5	26	25	25	25
Total ... 1902 ...	15	11	1	27	27	14	13	27	14	13	27	23	23	23

IMPERIAL RETURN No. III—(CRIMINAL).

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the Province of Oudh during the year 1903.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.
1	2	3	4	5
1. Proceedings against witnesses under chapter VIC and section 485 of chapter XXXII.	54	185	159	22
2. Proceedings under chapter VIII to prevent breach of the peace.	417	1,604	641	881
3. Proceedings under chapter VIII, security for good behaviour.	854	1,533	201	1,223
4. Proceedings against local nuisances, chapter X ...	264	693	337	247
5. Possession, chapter XII	61	147	82	62
6. Frivolous or vexatious accusations summarily dealt with under chapter XX, section 250.	189	203	8	193
7. Non-attendance of jurors and assessors, chapter XXIII, section 332.	7	8	5	2
8. Maintenance, chapter XXXVI	625	606	475	119
9. Forfeiture of bail or recognizance under chapter XLII.	132	164	56	97
10. Proceedings under chapter XLVI, section 563, against convicted offenders released under section 562.	34	45	...	45
Total ... 1903 ...	2,637	5,188	1,964	2,891
Total ... 1902 ...	2,714	5,882	1,913	3,700

IMPERIAL RETURN No. IV—(CRIMINAL).

Showing the general results of Criminal trials in the tribunals of various classes in the Province of Oudh during the year 1903.

Class of Courts.	Total number of persons under trial.	Persons whose cases were disposed of.											Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Aggregate number of days during which each case lasted.	Number of witnesses examined.
		Died, escaped or transferred to another Province.	Discharged or acquitted.	Convicted.												
				On regular trial.				On summary trial.								
				Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.		Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.		Committed or referred.				
						Discharged after admonition.	Delivered to parent or guardian.			Discharged after admonition	Delivered to parent or guardian.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Subordinate Magistrates. Special Magistrates under section 14.	149	...	106	35	...	...	...	7	...	...	...	1	...	72	4·44	282
Subordinate Magistrates. Honorary Magistrates sitting singly.	2,773	3	2,253	475	...	...	...	...	...	...	...	...	42	1,316	7·81	2,719
Subordinate Magistrates. Stipendiary Magistrates sitting singly.	45,910	58	24,482	14,635	91	1	3	4,436	28	17	1	888	1,270	24,313	9·57	74,382
Subordinate Magistrates. Benches of Magistrates.	5,478	11	2,138	2,721	...	...	...	550	...	...	...	...	58	3,721	6·08	2,894
District and Divisional Magistrates' cases referred under sections 347—349, Criminal Procedure Code.	421	1	49	318	48	...	1	...	2	...	...	1	1	21	5·19	34
Chief Magistrates of districts.	531	5	204	195	...	...	...	81	2	1	3	28	12	259	12·44	1,316
Deputy Commissioners under section 30, Act V of 1898.	46	...	4	42	...	...	...	...	...	...	...	...	...	35	18·82	211
Total of Magistracy. 1903	55,308	78	29,236	18,421	139	1	4	5,074	32	18	4	918	1,383	29,737	9·07	81,838
Total of Magistracy. 1902	57,067	70	30,831	19,175	116	5	4	4,496	21	9	2	936	1,402	31,169	9·12	83,385
Sessions Judges. 1903	1,048	9	333	577	...	2	...	...	...	...	...	...	127	481	39·76	4,360
Sessions Judges. 1902	1,073	2	336	612	...	...	...	...	...	...	...	...	123	487	44·73	5,053

IMPERIAL RETURN No. V—(CRIMINAL).

Showing Punishments inflicted by the various Criminal Tribunals in the Province of Oudh during the year 1903.

Class of Courts.	Persons sentenced to—								Persons ordered to find or give security or recognizance to keep the peace or security for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishments.																Number of boys whose sentences were commuted to detention in a Reformatory School.
											Fine.									Imprisonment.					Whipping.			
	Death.	Transportation.	Penal servitude	Imprisonment		For feiture of property.	Fine.	Whipping.			Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under	Rs. 1,000. and under	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes.	20 stripes.	30 stripes.	
				Rigorous.	Simple.																							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs.	Rs.	Rs.									
Subordinate Magistrates. Special Magistrates.	...	...	...	7	2	...	32	4	...	...	26	5	1	...	...	...	284	284	62	3	5	1	...	...	1	3	...	...
Honorary Magistrates sitting singly.	...	...	...	120	18	...	388	...	...	...	350	37	...	1	...	...	2,376	2,152	340	56	82	...	...	...	...	...	...	...
Stipendiary Magistrates sitting singly.	...	...	...	4,588	315	...	12,022	1,243	2,150	1,089	10,613	1,313	68	28	...	...	71,094	64,122	12,838	879	2,516	1,503	5	...	318	714	211	1
Benches of Magistrates.	...	...	...	58	5	...	3,226	...	...	...	3,173	51	2	...	...	...	5,214	5,116	446	33	30	...	...	...	...	...	...	...
District and Divisional Magistrates—cases referred under sections 347, 349, Criminal Procedure Code.	...	...	...	51	3	...	28	222	29	...	20	7	...	1	...	...	182	182	...	6	30	18	...	...	130	82	10	...
Chief Magistrates of districs.	...	...	...	91	2	...	108	24	76	54	95	13	...	...	...	..	765	648	43	12	45	25	11	...	8	12	4	1
Deputy Commissioners under section 30, Act V of 1898.	...	...	...	37	...	...	...	3	...	...	...	...	...	...	...	...	...	...	...	...	3	...	34	...	...	2	1	...
Courts of Session	47	139	...	416	4	...	28	20	6	29	2	3	14	9	...	...	4,209	2,734	414	3	43	64	282	28	2	8	10	1
Total 1903 ...	47	139	...	5,368	349	...	15,832	1,516	2,261	1,172	14,279	1,429	85	39	...	...	84,124	75,238	14,143	992	2,754	1,611	332	28	459	821	236	3
Total 1902 ...	58	183	...	5,539	326	...	15,622	1,550	2,552	1,132	14,118	1,364	96	39	5	...	86,978	73,752	9,710	830	3,068	1,665	279	23	428	726	396	7

IMPERIAL RETURN No. VA—(CRIMINAL).

PART I.

Whippings inflicted under sections 2 and 3, Act VI, 1864, in lieu of other punishments in the Province of Oudh during the year 1903.

Offences for which awarded.	Number of stripes awarded.												Total.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
IN LIEU OF OTHER PUNISHMENTS.													
(SECTIONS 2 AND 3, ACT VI, 1864).													
(1) Theft as defined in sec. 378, I. P. C.	51	...	191	1	171	4	82	10	21	6	20	3	560
(2) Theft in a building, tent or vessel as defined in „ 380, „ ...	9	...	36	...	44	...	17	...	4	...	8	...	118
(3) Theft by a clerk or servant, as defined in „ 381, „ ...	1	...	14	...	17	...	12	...	2	...	2	...	48
(4) Theft after preparation for causing death or hurt as defined in „ 382, „ ...	...	...	...	...	1	...	...	...	...	...	...	...	1
(5) Dishonestly receiving stolen property as defined in „ 411, „ ...	7	...	23	...	50	2	18	4	12	...	8	...	124
(6) Lurking house-trespass as defined in „ 445, „ ..	...	...	1	...	8	...	5	...	...	1	...	...	15
(7) Lurking house-trespass by night as defined in „ 444, „ ...	...	...	6	1	26	1	19	1	1	...	...	...	55
(8) House breaking as defined in section 445 „ 445, „ ...	1	...	4	...	8	...	4	...	...	...	...	1	18
(9) House breaking by night as defined in „ 446, „ ..	1	...	16	...	29	...	22	1	6	...	4	2	81
(10) Lurking house-trespass or house breaking as defined in „ 454, „ ...	...	...	10	...	13	...	14	...	7	...	2	...	46
(11) Lurking house-trespass or house breaking by night as defined in „ 457, „ ...	1	...	31	...	93	...	77	2	28	...	28	2	262
(12) Offiences under section 19, Act XXVII of 1871 ...	3	...	5	...	5	...	3	...	...	...	...	...	16
Total ... 1903 ...	74	...	337	2	465	7	273	18	81	7	72	8	1,344
Total ... 1902 ...	78	2	300	6	344	5	256	16	104	4	154	14	1,283

IMPERIAL RETURN No. VA—(CRIMINAL).

PART II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI, 1864, in the Province of Oudh during the year 1903.

Offences for which awarded.	Number of stripes.						Total.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	
1	2	3	4	5	6	7	8
IN ADDITION TO OTHER PUNISHMENTS. (SECTIONS 3 AND 4.)							
A.—Section 3.							
Theft as defined in section 378, I. P. C. ...	...	3	7	13	4	16	43
Theft in a building, tent or vessel, as defined in section 380, „ ...	...	2	4	3	4	2	15
Theft by a clerk or servant as defined in section 381, „ ...	...	...	...	1	...	1	2
Extortion by threat of accusation of an offence as defined in section 388, „ ...	...	...	...	...	...	1	1
Dishonestly receiving stolen property as defined in section 411, „ ..	...	...	2	2	2	3	9
Lurking house-trespass as defined in section 443, „ ...	...	...	...	...	...	1	1
Lurking house-trespass by night as defined in section 444, „ ...	...	...	...	...	1	1	2
House breaking as defined in section 445, „ ...	...	...	...	...	...	1	1
Lurking house-trespass or house breaking by night as defined in section 446, „ ...	...	...	1	6	...	3	10
Lurking house-trespass or house breaking as defined in section 454, „ ...	...	2	1	3	...	1	7
Lurking house-trespass or house breaking by night as defined in section 457, „ ...	...	7	3	7	4	6	27
Offences under section 19, Act XXVII of 1871	...	...	...	1	...	1	2
B.—Section 4.							
Criminal force otherwise than on grave provocation as defined in section 352, I. P. C. ...	...	...	...	...	...	1	1
Robbery as defined in section $\frac{392}{75}$, „ ...	...	...	...	...	...	2	2
Unnatural offence as defined in section 377, „ ...	..	1	...	...	...	...	1
Total ... 1903...	...	15	18	36	15	40	124
Total ... 1902...	...	9	43	35	15	110	212

IMPERIAL RETURN No. VA—(CRIMINAL).

PART III.

Showing whippings inflicted under Section 5, Act VI of 1864, on Juveniles for offences other than thsoe specified in Parts I and II in the Province of Oudh during the year 1903.

Offences.	Stripes.												Total
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
False information with intent to cause public servant to use his lawful power to the injury of another person as defined in section 182, Indian Penal Code	1	...	...	...	...	...	...	...	...	...	...	...	1
Delivery to another of coin possessed with the knowledge that it is altered as defined in section 250, Indian Penal Code	...	...	...	...	1	...	...	...	...	...	...	...	1
Adulteration of food or drink which is intended for sale as defined in section 272, Indian Penal Code	...	...	1	...	...	...	...	...	...	...	...	...	1
Rash driving or riding on a public way as defined in section 279, Indian Penal Code ...	1	...	...	...	...	...	...	...	...	...	...	...	1
Attempt to commit suicide as defined in section 309, Indian Penal Code	...	...	1	...	...	...	...	...	...	...	...	...	1
Voluntarily causing hurt as defined in section 323, Indian Penal Code	...	...	1	...	...	...	...	...	...	...	...	...	1
Voluntarily causing grievous hurt as defined in section 325, Indian Penal Code	1	...	1	...	2	...	...	...	...	...	...	...	4
Assault or use of criminal force to a woman with intent to outrage her modesty as defined in section 354, Indian Penal Code ...	...	...	...	...	3	...	3	...	...	...	...	...	6
Rape as defined in section 376, Indian Penal Code	1	...	...	...	1	...	1	...	...	...	...	...	3
Unnatural offence as defined in section 377, Indian Penal Code	...	...	1	...	2	...	1	...	...	...	1	...	5
Theft as defined in section 378, Indian Penal Code	...	...	4	...	5	..	...	...	...	...	...	...	9
Robbery as defined in section 392, Indian Penal Code	...	...	...	...	...	...	...	...	3	...	...	...	3
Dishonest misappropriation of property possessed by a deceased person at the time of his death as defined in section 404, Indian Penal Code ...	...	...	...	...	...	...	1	...	...	...	...	...	1
Criminal breach of trust by a clerk or servant as defined in section 408, Indian Penal Code ...	1	...	...	...	...	...	1	...	...	...	...	...	2
Cheating and dishonestly inducing a delivery of property as defined in section 420, Indian Penal Code	2	...	...	...	...	...	...	...	...	...	...	...	2
Mischief by killing or maiming cattle, &c., as defined in section 429, Indian Penal Code ...	1	...	1	...	1	...	...	...	...	...	...	...	3
Mischief by fire or explosive substance with intent to destroy a house, &c., as defined in section 436, Indian Penal Code	...	...	...	...	...	...	...	...	1	...	...	...	1
Lurking house-trespass or house breaking by night as defined in section 457, Indian Penal Code	...	...	3	...	...	...	...	...	...	...	...	..	3
Total ... 1903 ...	8	...	13	...	15	...	7	...	4	...	1	...	48
Total ... 1902 ...	8	...	23	...	11	...	5	...	2	...	5	1	55

IMPERIAL RETURN No. VA—(CRIMINAL).

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments in the Province of Oudh during the year 1903.

Punishments.		Number.	Remarks.
1		2	3
(1) Total number of whippings awarded		1,516	
(2) Total number of other punishments in cases in which whipping might have been awarded		3,158	
(3) Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)		4,674	
Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	1903 ...	32·43	
	1902 ...	37·84	

IMPERIAL RETURN No. VI—(CRIMINAL).

Showing the result of Appeals and Revisions in criminal cases in the Province of Oudh during the year 1903.

Tribunals.	Total number of appellants or applicants before the Courts.	Number of persons.										Average number of days each appeal lasted.	Number of persons dealt with under—		Remarks.
		Died, escaped or transferred to another Province.	Appeals or applications rejected	Sentences or orders confirmed.	Sentences enhanced.	Sentences reduced or otherwise altered.	Sentences reversed.	Proceedings quashed.	New trial or further inquiry ordered.	Referred for revision to High Court.	Pending trial.		Section 106(3) Criminal Procedure Code.	Section 8, clause 2 of the Reformatory Schools Act.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Appeals.															
To Chief Magistrates of districts.	1,206	...	112	722	...	135	166	8	17	2	44	15·02	3	...	
To Sessions Courts ...	2,068	15	675	730	...	232	289	4	38	...	85	15·72	...	...	
Superior Courts. By persons convicted.	440	...	17	277	73	4	50	...	11	...	8	25·904	...	...	
Superior Courts. By Government.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ... 1903 ...	3,714	15	804	1,729	73	371	505	12	66	2	137	16·94	3	...	
Total ... 1902 ...	4,107	33	687	1,947	1	529	569	7	165	6	163	21·61	3	1	
Revisions.															Applications by Complainants against Accused.
By Chief Magistrates of districts.	93	...	406	464	...	2	22	10	189	14	38	13·24	...	2	496 „ 495 „ 1,052
By Courts of Session...	376	1	359	338	...	11	12	20	59	55	24	19·47	...	...	170 „ 176 „ 503
By Superior Courts ...	270	...	106	90	17	32	83	...	6	...	5	25·82	...	...	23 „ 32 „ 69
Total ... 1903 ...	739	1	871	892	17	45	117	30	254	69	67	17·51	...	2	689 „ 703 „ 1,624
Total ... 1902 ...	1,279	3	941	1,240	39	59	154	48	336	121	129	20·74	...	...	718 „ 781 „ 1,791

IMPERIAL RETURN No. XIII—(CRIMINAL).

Showing the use of Jurors and Assessors in the Criminal Courts in the Province of Oudh during the year 1903.

Class of Courts in which Assessors are employed distinguishing Criminal from Civil Courts.	Established or average number of Jurors or Assessors in each case and prescribed qulaifications.	Number of cases tried by Jury.	Number of cases with Assessors.	Jury trials.					Assessors' trials.		
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved		Number of cases in which the Judge agreed with Assessors.	Number of cases in which the Judge differed from	
					Wholly.	Partially.	Whose cases he referred under section 307, Criminal Procedure Code.	Whose cases he did not refer under section 364, Criminal Procedure Code.		One Assessor.	Both Assessors.
1	2	3	4	5	6	7	8	9	10	11	12
Sessions Judge, Lucknow	*10	21	54	21	...	...	...	...	34	10	10
Ditto, Sítapur, ...	2	...	127	...	...	...	...	...	90	8	29
Ditto, Hardoi ...	2	...	68	...	...	...	...	...	50	7	11
Ditto, Fyzabad...	3	...	69	...	...	...	...	...	58	3	8
Ditto, Gonda ...	2	...	62	...	...	...	...	...	40	8	14
Ditto, Rae Bareli	2	...	57	...	...	...	...	...	53	1	3
Total 1903 ...	...	21	437	21	...	...	...	...	325	37	75
Total 1902 ...	...	18	459	18	...	...	...	...	331	47	81

* Five Jurors and five Assessors.

NOTE

ON THE

Administration of Criminal Justice

IN THE PROVINCE OF OUDH,

DURING THE CALENDAR YEAR ENDING 31st DECEMBER 1904;

WITH STATEMENTS.

ALLAHABAD:
Printed at the United Provinces Government Press.
1905.

Note on the Administration of Criminal Justice in the Province of Oudh, during the calendar year ending 31st December 1904.

1. This Court consisted of three Judges throughout the year of report, except for three weeks during the month of June, when the 2nd Additional Judicial Commissioner was on privilege leave.

Judicial Statement No. I.

2. There were two Assistant Sessions Judges during the year, with the exception of a period of three months, from July to September 1904, when Mr. J. L. Johnston officiated as District Judge of Lucknow.

3. With the increase in the Criminal work of the Province there was also an increase in the number of cases decided during the year. The average number decided per officer being 168 against 150.

4. The total number of offences reported increased in all districts, except Bara Banki and Bahraich. The principal increase (1,257) occurs in Lucknow. The numbers in Fyzabad, Sultánpur, Rae Bareli and Partábgarh increased by 563, 510, 448 and 422, respectively. In the remaining districts the rise is not so marked.

Judicial Statement No. II.

5. Offences under the Indian Penal Code increased by 2,731. Of these Hurt cases account for 1,345; Theft, 475; Trespass, 392, and Mischief, 122.

There was no increase in serious crimes.

6. Of cases under Special and Local Laws there was an increase of 350 under Municipal Bye-laws, of 222 in Cattle Trespass, and of 320 cases under the Police Act (Nuisances). Cases under the Sanitation Act dropped from 1,428 to 511, the abnormal rise in the previous year's figures being due to the extension of the Act in the Fyzabad and Bara Banki districts in 1903.

7. Hurt cases show an increase throughout the Province. The Fyzabad district shows an increase of 297 cases; Lucknow, 214; Sultánpur, 213; Partábgarh, 171, and Hardoi, 118. The number of Theft cases also more or less increased everywhere. Under Criminal Trespass, Hardoi (243) and Partábgarh (114) show the largest increases. Elsewhere the increase is not marked. Rae Bareli shows a slight falling off.

Cattle Trespass cases increased in Fyzabad (113) and Sultánpur (123), and decreased in Kheri (101).

Offences under the Municipal Bye-laws increased in Lucknow by 580. Elsewhere generally there was a falling off.

Nuisance cases rose in Lucknow by 149 and in Bara Banki by 173. They fell in Sultánpur by 109. In other districts there were no marked fluctuations.

8. District Magistrates have not assigned any special reasons for the general increase in the number of offences. The District Magistrate of Fyzabad remarks:—"Riot and Hurt cases returned to a normal height, probably due mostly to a good mango crop and the resulting squabbles, and to a smaller supply of water for irrigation in tanks and jhils. The same causes probably account for the rise in Mischief and Trespass.

* * * * * * * *

"An open year of light rain always adds to the Cattle Trespass cases."

The same reasons will probably account for the increase in the number of offences in other districts, and also for the fact that serious crime has not increased.

The decrease in Bara Banki is due entirely to the fall in the cases under the Sanitation Act.

In Bahraich good seasons are reported to have resulted in a general decrease in crime, and the police are said to be improving year by year in the prevention of crime.

9. The percentage of cases dismissed under section 203 of the Code of Criminal Procedure varies from 41·79 in Sultánpur to 19·64 in Rae Bareli. The provisions of this section continue to be worked carefully in all districts, except Rae Bareli, where there is again a fall in the percentage of dismissals.

The District Magistrate observes that the decrease may have been unavoidable, but that there is a fair presumption that sufficient care has not been exercised in spite of last year's remarks. In Bahraich the percentage is much the same as in the previous year, and the District Magistrate reports that fair use is made of the section.

At Sultánpur the power of entertaining complaints was restored to Tahsíldárs and Honorary Magistrates during the year. Nevertheless, the percentage of dismissals under section 203 is still very high, though it has fallen from 51·26 to 41·79.

10. Twenty-two European British subjects were brought to trial during the year of report, against twenty-six in the previous year. Of these only ten were convicted against twenty-one in 1903. All the cases were disposed of by Magistrates.

Judicial Statement No. IIA.

11. The general increase in the criminal work of the Province accounts for the slight rise in miscellaneous proceedings under the Code of Criminal Procedure.

Judicial Statement No. III.

The number of persons discharged in proceedings to prevent breaches of the peace was rather high and suggests insufficient preliminary enquiry.

At Unao a large number of discharges are said to have been due to a case in which a *thanadar* arrested a wandering band of Nats on insufficient grounds. The Sessions Judge observes that the Magistrate should not have made the orders under section 112, Criminal Procedure Code.

12. In proceedings requiring security for good behaviour better results are shown. The District Magistrate of Sitapur complains that in some cases the police failed to exercise due care before taking proceedings, and that in others the Magistrates had discharged men who should have been bound over.

The District Magistrate of Bara Banki reports that the prosecutions were all carefully supervised and that the subordinate police were not given a free hand in the matter.

13. Proceedings under section 250 of the Code of Criminal Procedure increased from 189 to 235. The provisions of this section do not appear to be freely applied. Dismissals under section 203 affect its application to a certain extent. The District Magistrate of Kheri observes that although a Magistrate may have strong suspicions as to the falsity of a complaint he finds it difficult to be sufficiently certain to act under section 250.

14. With the increase in petty crimes there was also an increase in the number of persons brought to trial during the year of report. The provincial average of convictions, both in Sessions Courts and in Courts of Magistrates, again remained unchanged. The district percentages vary from 64·9 in Lucknow, to 25·8 in Partabgarh.

Judicial Statement No. IV.

They fell perceptably in Lucknow, Fyzabad, Sultánpur and Partábgarh. A remarkable rise, from 26· to 34·, is noticeable in Kheri.

The year has been marked by the absence of serious and professional crime.

15. In spite of the increase in crime there has practically been no increase in the number of cases and persons committed to sessions. The District Magistrate of Fyzabad remarks that: "The increased number of Hurt, Cattle Trespass and Mischief cases, almost all compounded, has caused a great change in the percentages of result of trials.

* * * * * * * * *

"A number of Courts return figures of acquittals in Hurt, Cattle Trespass and Mischief cases, which, in my opinion, show that sufficient care was not used in the examination of complainants before issue of process."

With regard to the fall in the percentage from 39· to 31·, in the Sultánpur district, the District Magistrate makes a similar observation regarding the examination of complainants.

The Sessions Judge of Fyzabad, commenting on the Sultánpur figures, says:—

"These figures are by no means satisfactory. The Magisterial cases require looking into in detail to see who is in fault in bringing so many persons to trial unnecessarily."

16. The average duration (provincial) of cases in the courts of Magistrates was 8·88 days against 9·07 days in the previous year. In Sessions Courts also there was a slight decrease from 39·76 days to 38·93 days.

The district figures vary from 11·09 days in Bara Banki to 6·9 days in Lucknow.

The excessive duration of cases in the Bara Banki district has been noticed by this court in the quarterly statements submitted from the district, and necessary orders have been issued.

The Sessions Judge of Lucknow remarks that many of the cases are complicated and many witnesses are examined on both sides. The District Magistrate reports that the work is too heavy for the staff, and that the Treasury Officer who should practically do no case work is unduly burdened. The Sessions Judge recommends that unless the most recent figures show a falling off in institutions, the staff ought to be strengthened.

The District Magistrate of Unao also repeats his predecessor's remarks in last year's report regarding the inadequacy of the staff of the district.

In Sitápur the necessity for posting an extra first class officer, when available, is said to have been recognized by Government, and, in my opinion, the generally inferior work of the Subordinate Magistrates is due to the inadequacy of the staff in most districts. The present Deputy Magistrates appear to be overworked.

With regard to the variations in the average duration of cases, the District Magistrate of Sultánpur makes the following pertinent remarks.

"With a view to promoting the speedy decision of cases I have endeavoured to get Magistrates to give cases, postponed from previous dates, priority over new *chálláns*, and cases that are decided after six weeks' pendency are submitted to me. At the same time the figure of duration might be lower, but for an order that, in issuing summonses to witnesses in other districts, a fortnight was to be allowed for service and return, and the postponement was to be regulated accordingly (also that the court was to see that the summonses were made over to the office for forwarding the same day, if possible). A fortnight is really more than sufficient, provided that the summons is dealt with promptly in both districts. I take it that a case with several hearings is a greater inconvenience than one of slightly longer duration but a hearing less."

17. In Sessions Courts the average duration varies from 47·04 days in Fyzabad 29·62 days in Rae Bareli. At Sitápur the duration of sessions trials fell from 42·41 days to 35·1 days in spite of an increase in the work and the absence of the Assistant Sessions Judge for six months.

18. It is satisfactory to note that, notwithstanding the increase in the work the number of cases pending over six weeks at the close of the year was only 78, against 178 at the close of the previous year. Of these, nine cases are of lunatics. The Sultánpur district accounts for the largest number (25) of cases pending over six weeks.

In Sessions Courts there were only five such cases pending, of which four were in Hardoi and one in Lucknow. The Sessions Judge of Hardoi had a heavy case, with 37 accused and 114 witnesses, which delayed the disposal of the other cases.

19. The number of witnesses summoned by the courts during the year also increased from 92,000 to nearly 97,000. Of these over 93,000 are reported to have been discharged, within two days, and about 2,000 on the third day. As observed last year these figures are not reliable. The District Magistrate of Fyzabad states that the figures of Kazi Aziz-ud-din Ahmad, Deputy Magistrate, are quite incredible, and that those of the other courts are suspicious.

In Bara Banki 106 witnesses are said to have been detained for more than a week in the courts of M. Muhammad Azim Khan and Chaudhari Nathu Ram, Deputy Magistrates. The District Magistrate is of opinion that more witnesses are sent up than are necessary.

In Lucknow, Sultánpur and Kheri no witnesses are said to have been detained for more than three days.

Sixty-one witnesses were detained for more than seven days by the Sessions Judge of Fyzabad and ten by the Sessions Judge of Hardoi. The detention of the latter is due to the heavy case referred to before, which affected the figures showing the average duration of the Court.

The Fyzabad witnesses were also detained for similar reasons. The Judge states that, in several cases, postponements were necessary owing to other sessions cases not having been disposed of in the time fixed for them.

20. The provincial figures regarding the payment of diet money do not seem to call for any special comment. In Hardoi witnesses still appear to receive less than in other districts in spite of the remarks made in last year's report.

In a small increase in the average rate of cost for each witness at Unao the District Magistrate sees "a clear sign of a determined attempt to lessen the unpopularity and discomfort of being summoned as a witness."

21. The comparative absence of serious crime during the year resulted in a decrease in the more severe forms of punishment. Sentences of rigorous imprisonment slightly increased, those of simple imprisonment and whipping remained stationary.

Judicial Statement No. V.

Fines were imposed on a slightly larger number of persons (16,311 against 15,832) and the amount of fines imposed was higher (93,000 against 84,000).

The Sessions Judge of Hardoi brings to notice that unnecessarily severe fines were imposed in his division. The District Magistrate of Fyzabad, on the other hand, complains that the Bench at Fyzabad is dropping into an inadequate scale of fine, which did not forms so high a percentage of all punishments as in the previous year.

Out of the total of fines imposed, Rs. 6,169 remained unrealized. The districts of Lucknow, Bara Banki and Sitápur show the highest balances.

Sentences of whipping were generally awarded where necessary, except in the Unao District where the District Magistrate complains that short terms of imprisonment have been too frequently given where whipping would have been a better punishment.

22. Appeals increased from 3,714 to 4,570. This is in consonance with the general increase in the criminal work of the province. Except at Fyzabad, Rae Bareli and Bahraich all District Magistrates had a larger number of appeals to dispose of than in the previous year. In Bahraich the number of appeals instituted fell from 61 to 29. The District Magistrate attributes the decrease to a heavy fall in convictions in the courts of Tahsíldárs.

Judicial Statement No. VI.

In Sessions Courts also appeals increased everywhere except at Fyzabad and Gonda. The Sessions Judge of Sítápur notes that the rise in the number of appeals filed in his court (345 against 211) is probably due to the Sessions Court having had to interfere in a large number of cases decided by incompetent Magistrates. This is supported by the District Magistrate's statement that the staff of the Subordinate Magistrates in the district at the time of writing the report was very weak.

The Sessions Judge of Gonda attributes the fall in the number of appeals filed in his Court to the decrease in crime owing to the vigorous action taken by the Magistracy under section 110 of the Code of Criminal Procedure.

Of the 4,570 appeals before the Courts, 1,072 were rejected, and in 2,076 cases, the orders of the lower courts were confirmed. The results were much the same as in the previous year. The District Magistrate of Fyzabad says that the work of the lower courts shows no improvement, only 63 per cent. of the orders appealed being confirmed.

In spite of the increase in the work, the pending file at the close of the year was lower than at the close of the previous year. The average duration remained almost the same.

23. This Court had before it for disposal over 200 cases more than in the previous year. Of these 833 were disposed of and 39 remained pending at the end of the year.

Judicial Commissioner's Court.

Forty-eight Capital Sentences came up for confirmation before the Court. Thirty-three sentences were confirmed, eight altered to transportation and four quashed ; three cases were undisposed of at the close of the year.

In 75 per cent. of the appeals filed by accused persons the sentences of the lower courts were not interfered with. Eight appeals were filed by Government, in seven of which the lower courts' orders were reversed.

The average duration was 26·56 days in appeals by accused persons, and 19·9 days in revisions. In the appeals by Government the average duration was 38·5 days.

LUCKNOW: *The 4th August* 1905.

R. SCOTT,
Judicial Commissioner.

Accompaniments.

Imperial Returns Nos. I, II, IIA, III, IV, V, VA, VI, and XIII; and Provincial Tables A, B, C, D, E, and F.

[Maximum number of pages of the Report (excluding statistics) as fixed by the Government of India—10].

IMPERIAL RETURN No. I—(CRIMINAL).

Showing the Number of Judicial Divisions and the Number of Officers exercising Original or Appellate Jurisdiction in the Province of Oudh during the year 1904.

Name of Province.	Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Judges of Chief Court or Province.	Number of Officers exercising Original or Appellate Jurisdiction.				Total number of cases decided.				Remarks.		
						Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of district Courts other than Chief Courts.	Judges of other subordinate Courts.	Original.		Appellate.				
										Regular.	Miscellaneous.	Regular.	Miscellaneous			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
														Grades of Judicial Officers.		Europeans.	Natives.
Territory subject to the Judicial Commissioner of Oudh.	23,992 sq. m.	12,833,077	6	12	3	*8	12	58	159	33,122	2,865	3,329	1,064	Officers exercising both Original and Appellate Jurisdiction.	Judicial Commissioners.	3	...
															District and Sessions Judges.	4	2
															Assistant Sessions Judges.	1	1
															Deputy Commissioners.	12	...
														Officers exercising Original Jurisdiction only.	Assistant Commissioners.	8	3
															Deputy Collectors.	3	44
															City and Cantonment Magistrates.	3	...
															Tahsíldárs ...	...	43
Total, 1903 ...	...	...	...	...	3	8	12	62	159	30,218	2,552	2,846	1,213		Honorary Magistrates.	2	111

* Includes 2 Assistant Sessions Judges.

For Home and Agricultural Departments.

	Europeans.	Natives.
Judicial Commissioners	3	...
District and Sessions Judges	4	2
Assistant Sessions Judges	1	1
Deputy Commissioners	12	...
Assistant Commissioners	8	3
Deputy Collectors	3	44
City Magistrates	1	...
Cantonment Magistrates	2	...
Tahsíldárs	...	43
Honorary Magistrates	2	111

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of Offences reported and Persons Tried, Convicted and Acquitted of each class of Offence in the Province of Oudh during the year 1904.

Description of Offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons.				
				Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Offences against the Army and Navy, chapter VII, Indian Penal Code.	3	2	2	6	5	1	...	...
Offences against the public tranquillity, chapter VIII, Indian Penal Code.	656	471	499	2,441	894	1,472	10	65
Offences by or relating to public servants, chapter IX, Indian Penal Code.	77	47	49	56	29	24	1	2
Contempt of the lawful authority of public servants, chapter X, Indian Penal Code.	522	475	497	743	284	439	3	17
False evidence and offences against public justice, chapter XI, Indian Penal Code.	429	387	417	586	195	340	14	37
Offences relating to coin ... Chapter XII, Indian Penal Code.	38	35	35	47	21	22	...	4
Offences relating to Government stamps. Chapter XII, Indian Penal Code.	4	3	3	5	4	1	...	...
Offences relating to weights and measures, chapter XIII, Indian Penal Code.	12	11	11	12	3	9	...	...
Offences affecting the public health, &c., chapter XIV, Indian Penal Code.	455	395	400	562	118	438	1	5
Offences relating to religion, chapter XV, Indian Penal Code.	76	25	25	51	41	10	...	...
Offences affecting the human body, chapter XVI, Indian Penal Code. — Offences affecting life ...	526	510	548	824	265	512	10	37
Causing miscarriage, injury to unborn children, exposure of infants and the concealment of births.	34	34	38	42	12	30	...	...
Hurt	12,358	8,120	8,280	17,215	14,531	2,400	10	274
Wrongful restraint and wrongful confinement.	293	108	112	289	233	44	...	12
Criminal force and assault ...	2,437	1,304	1,330	2,709	2,194	457	6	52
Kidnapping or forcible abduction, slavery, forced labour and buying or selling a minor for the purpose of prostitution.	170	68	70	123	80	38	2	3
Rape	70	36	41	44	19	24	...	1
Unnatural offence ...	34	34	32	39	11	27	...	1
Offences against property, chapter XVII, Indian Penal Code. — Theft...	3,228	2,481	2,542	3,599	1,118	2,392	5	84
Extortion	172	45	48	81	52	26	...	3
Robbery and dacoity ...	236	143	148	358	168	167	1	22
Criminal misappropriation of property.	67	36	37	54	24	29	...	1
Criminal breach of trust ...	356	184	193	223	116	96	2	9
Receiving stolen property ...	552	530	541	729	141	571	1	16
Cheating	341	150	159	226	117	94	2	13
Fraudulent deeds and disposition of property.	4	2	2	4	3	1	...	...
Mischief	1,903	1,112	1,133	2,234	1,781	409	1	43
Criminal trespass... ...	4,164	2,779	2,866	4,946	3,102	1,705	5	134
Offences relating to documents and to trade and property marks, chapter XVIII, Indian Penal Code.	59	27	31	49	19	11	1	18
Criminal breach of contract of service, chapter XIX, Indian Penal Code.	6	3	3	3	3	...	...	...
Offences relating to marriage, chapter XX, Indian Penal Code.	1,464	711	730	920	795	103	3	19
Defamation, chapter XXI, Indian Penal Code.	577	187	190	271	239	28	...	4
Criminal intimidation, insult and annoyance, chapter XXII, Indian Penal Code.	421	153	155	278	230	47	...	1
Total under the Indian Penal Code. 1904	31,744	20,608	21,167	39,769	26,847	11,967	78	877
1903	29,013	18,468	19,048	35,988	23,769	10,925	69	1,225

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of Offences Reported and Persons Tried, Convicted and Acquitted of each class of Offence in the Province of Oudh during the year 1904—(concluded).

Description of Offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons.				
				Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Code of Criminal Procedure, 1898, sections 107, 112 to 119. Security for keeping the peace.	1,264	560	577	2,384	985	1,339	...	60
Code of Criminal Procedure, 1898, sections 109, 110 & 112 to 119. Security for good behaviour.	917	857	889	1,846	239	1,536	4	67
Special and Local Laws.								
Arms Acts (XI of 1878 and XI of 1882)...	49	48	49	67	24	42	...	1
Cantonments Act (XIII of 1889) ...	910	908	908	2,655	254	2,401	...	...
Cattle Trespass Act (I of 1871, amended by Act I of 1891).	2,732	2,000	2,018	4,740	4,117	573	1	49
Companies Indian Act (VI of 1882, amended by Act VI of 1887).	1	1	1	8	...	8	...	...
Court-fees Act (VII of 1870) ...	1	1	1	1	...	1	...	...
Criminal Tribes and Eunuchs Act (XXVII of 1871).	144	144	144	146	11	125	..	10
Cruelty to Animals Act (XI of 1890) ...	152	152	152	188	58	130	...	...
Emigration Act (XXI of 1883 amended by Acts XVIII of 1890, I of 1897 and VII of 1897).	1	1	1	1	...	...	...	1
Excise on Spirits and Drugs Act (XII of 1891).	233	229	232	280	64	213	1	2
Ferries Act (XVII of 1878) ..	12	9	9	38	28	9	...	1
Forests Act (VII of 1878, amended by Act V of 1890).	52	50	50	132	25	107	...	...
Gaming and Lotteries Act (III of 1867)...	111	111	111	591	111	474	...	6
Hackney Carriages Act (XIV of 1879)...	241	238	238	385	84	300	...	1
Indian Explosives Act (IV of 1884) ...	1	1	1	1	1	...	...	...
Municipal Bye-laws Act (I of 1900) ...	3,058	2,920	2,944	3,259	714	2,457	5	83
Opium Act (I of 1878)	99	91	92	105	25	80	...	...
Opium Cultivation Act (XIII of 1857) ...	5	5	5	5	1	4	...	...
Police District Act (V of 1861) ...	2,693	2,676	2,683	3,357	317	3,035	...	5
Police Town Act (XX of 1856) ..	2	2	2	2	...	2	...	...
Police Road and Village Act (XVI of 1873).	4	3	3	3	...	3	...	...
Post Office Act (VI of 1898) ...	4	4	5	5	3	2	...	...
Prisons Act (IX of 1894 amended by Act XIII of 1898).	4	4	4	4	...	4	...	...
Railways Act (IX of 1890 amended by Act IX of 1896).	218	214	217	374	65	306	...	3
Salt and Saltpetre Act (XII of 1882) ...	33	33	33	33	1	32	...	...
Sanitation Act (III of 1892, North-Western Provinces and Oudh).	511	511	511	702	19	683	...	...
Stage Coaches Act (XVI of 1861, amended by Act I of 1898).	59	57	57	80	20	60	...	...
Stamps Act (II of 1899)	70	70	73	95	15	77	1	2
Treasure Trove Act (VI of 1878) ...	11	11	12	24	8	14	...	2
Vaccination Act (XIII of 1880) ...	61	60	62	62	60	1	...	1
Village Police Act (XVIII of 1876) ...	8	8	8	10	1	7	...	2
Wild Birds' Protection Act (XX of 1887)	1	1	1	1	1	...	...	...
Total under the Code of Criminal Procedure, 1898, and under Special and Local Laws. 1904	13,662	11,980	12,093	21,584	7,251	14,025	12	296
1903	12,906	11,308	11,383	19,450	5,800	13,347	18	285
GRAND TOTAL ... 1904	45,406	32,588	33,260	61,353	34,098	25,992	90	1,173
1903	41,919	29,776	30,431	55,438	29,569	24,272	87	1,510

IMPERIAL RETURN No. IIA—(CRIMINAL).

Showing the general result of the trial of European British subjects in the courts of the Province of Oudh during the year 1904.

Description of offence.		Number of persons accused and brought to trial before a Magistrate.				Number actually brought to trial.	Persons whose cases were disposed of—			Total for all Courts.			Number of cases—		Remarks.
		Within the year.					By District Magistrates and other 1st class Magistrates.								
		On complaint, section 191 (*a*) Criminal Procedure Code.	On police report, section 191 (b), Criminal Procedure Code.	By Magistrate *suo motu*, section 191 (c) of the Code.	Total		Convicted.	Acquitted or discharged	Total.	Convicted.	Acquitted or discharged.	Total.	Brought to trial.	Disposed of.	
1		3	4	5	7	9	11	12	16	25	26	27	29	30	36
Contempt of the lawful authority of public servants, chapter X, Indian Penal Code.		...	1	...	1	1	1	...	1	1	...	1	1	1	
Offences affecting the human body, chapter XVI, Indian Penal Code.	Hurt with aggravating circumstances.	4	...	...	4	4	1	3	4	1	3	4	4	4	
	Other cases of hurt ...	...	1	...	1	1	...	1	1	...	1	1	1	1	
	Criminal force or assault...	...	1	...	1	1	...	1	1	...	1	1	1	1	
Offences against property, chapter XVII, Indian Penal Code.	Other cases of theft ...	...	1	...	1	1	...	1	1	...	1	1	1	1	
	Extortion with aggravating circumstances.	...	1	...	1	1	...	1	1	...	1	1	1	1	
	Criminal misappropriation of property.	...	1	...	1	1	1	...	1	1	...	1	1	1	
	Criminal breach of trust...	1	...	...	1	1	1	...	1	1	...	1	1	1	
	Cheating	1	...	...	1	1	...	1	1	...	1	1	1	1	
Offences relating to documents and to trade or property marks, chapter XVIII, Indian Penal Code.	Using a false trade or property mark, &c.	2	...	...	2	2	2	...	2	2	...	2	2	2	
Defamation, chapter XXII, Indian Penal Code ...		1	...	...	1	1	...	1	1	...	1	1	1	1	
Offences under the Special and Local Laws.	Cantonments Act (XIII of 1889).	...	2	4	6	6	4	2	6	4	2	6	6	6	
	Railways Act (IX of 1890)	...	1	...	1	1	...	1	1	...	1	1	1	1	
Total...	1904 ...	9	9	4	22	22	10	12	22	10	12	22	22	22	
	1903 ...	8	14	4	26	26	21	5	26	21	5	26	25	25	

IMPERIAL RETURN No. III—(CRIMINAL).

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in the Province of Oudh during the year 1904.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.
1	2	3	4	5
1. Proceedings against witnesses under chapter VI (C) and section 485 of chapter XXXII.	76	295	250	42
2. Proceedings under chapter VIII—to prevent breach of the peace.	577	2,384	985	1,339
3. Proceedings under chapter VIII—security for good behaviour.	889	1,846	239	1,536
4. Proceedings against local nuisances, chapter X ...	231	634	215	305
5. Possession, chapter XII	98	380	138	197
6. Frivolous or vexatious accusations summarily dealt with under chapter XX, section 250.	235	249	11	238
7. Non-attendance of jurors and assessors, chapter XXIII, section 332.	13	13	11	2
8. Maintenance, chapter XXXVI	752	755	600	130
9. Forfeiture of bail or recognizance under chapter XLII.	81	114	30	77
10. Proceedings under chapter XLVI, section 563, against convicted offenders released under section 562.	37	40	14	26
Total ... 1904 ...	2,989	6,710	2,493	3,892
Total ... 1903 ...	2,637	5,188	1,964	2,891

IMPERIAL RETURN No. IV—(CRIMINAL).

Showing the General Result of Criminal Trials in the Tribunals of Various Classes in the Province of Oudh during the year 1904.

Class of Courts.	Total number of persons under trial.	Persons whose cases were disposed of.											Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Aggregate number of days during which each case lasted.	Number of witnesses examined.
		Died, escaped or transferred to another Province.	Discharged or acquitted.	Convicted.												
				On Regular trial.				On summary trial.				Committed or referred.				
				Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.		Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.						
						Discharged after admonition.	Delivered to parent or guardian.			Discharged after admonition.	Delivered to parent or guardian.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Subordinate Magistrates. Special Magistrates under section 14.	174	...	82	57	1	...	...	26	...	...	...	...	8	95	10·53	292
Subordinate Magistrates. Honorary Magistrates sitting singly.	2,769	3	2,159	542	...	...	...	...	...	...	...	...	65	1,427	7·29	2,441
Subordinate Magistrates. Stipendiary Magistrates sitting singly.	51,147	71	28,609	15,274	113	5	4	5,147	57	12	2	943	910	26,394	9·05	78,363
Subordinate Magistrates. Benches of Magistrates.	6,018	7	2,598	2,512	...	...	...	791	...	...	...	...	110	4,274	8·08	3,193
District and divisional Magistrates' cases referred under sections 347—349, Criminal Procedure Code.	418	...	40	347	26	...	3	...	...	...	...	1	1	14	14·00	...
Chief Magistrates of districts.	640	1	236	206	...	...	...	161	2	...	3	7	24	356	11·11	1,391
Deputy Commissioners under section 30, Act V of 1898.	50	...	7	43	...	...	...	...	...	...	...	...	...	41	18·73	246
Total of Magistracy. 1904	61,216	82	33,731	18,981	140	5	7	6,125	59	12	5	951	1,118	32,601	8·88	85,926
Total of Magistracy. 1903	55,308	78	29,236	18,421	139	1	4	5,074	32	18	4	918	1,383	29,737	9·07	81,838
Sessions Judges. 1904	1,088	8	367	653	...	3	2	...	...	...	...	...	55	521	38·93	4,901
Sessions Judges. 1903	1,048	9	333	577	...	2	...	...	...	...	...	...	127	481	39·76	4,360

IMPERIAL RETURN No. V—(CRIMINAL).

Showing Punishments Inflicted by the various Criminal Tribunals in the Province of Oudh during the year 1904.

Class of Courts.	Persons sentenced to								Persons ordered to find or give security or recognizance to keep the peace or security for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishments.																Number of boys whose sentences were commuted to detention in a reformatory school.
				Imprisonment.							Fine.									Imprisonment.					Whipping.			
	Death.	Transportation.	Penal servitude	Rigorous	Simple	Forfeiture of property.	Fine.	Whipping.			Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes.	20 stripes.	30 stripes.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs.	Rs.	Rs.									
Subordinate Magistrates. Special Magistrates.	...	...	...	22	1	...	55	13	2	...	47	7	...	1	...	...	657	222	73	6	12	5	...	...	4	9	...	...
Honorary Magistrates sitting singly.	...	...	...	162	17	...	433	...	...	...	373	60	...	...	...	...	2,542	2,676	469	63	116	...	...	...	...	...	...	...
Stipendiary Magistrates sitting singly.	...	...	...	4,973	293	...	12,258	1,227	2,886	1,395	10,710	1,444	80	24	...	...	77,553	70,817	14,030	806	3,064	1,391	5	...	266	732	229	5
Benches of Magistrates.	...	...	...	39	3	...	3,276	...	...	...	3,236	40	...	...	...	...	5,406	5,351	280	22	20	...	...	...	...	...	...	...
District and Divisional Magistrates' cases referred under sections 347—349, Criminal Procedure Code.	...	...	...	49	2	...	44	226	2	...	38	6	...	...	...	...	357	353	80	9	27	15	...	...	108	105	13	...
Chief Magistrates of districts.	..	...	...	99	6	..	223	28	48	22	176	38	2	6	1	...	4,549	3,199	328	16	50	27	12	...	4	17	7	1
Deputy Commissioners under section 30, Act V of 1898.	..	...	...	39	...	...	1	10	...	...	...	...	...	1	...	...	200	200	20	...	...	4	35	...	...	2	8	...
Courts of Session	39	105	...	513	7	...	21	12	2	13	6	7	3	5	..	...	2,060	970	436	3	61	120	319	17	1	6	5	...
Total ... 1904	39	105	...	5,896	329	...	16,311	1,516	2,940	1,430	14,586	1,602	85	37	1	...	93,324	83,788	15,716	925	3 350	1,562	371	17	383	871	262	6
Total ... 1903	47	139	...	5,368	349	...	15,832	1,516	2,261	1,172	14,279	1,429	85	39	...	...	84,124	75,238	14,143	992	2,754	1,611	332	28	459	821	236	3

IMPERIAL RETURN NO. VA—(CRIMINAL).

PART I.

Whippings inflicted under sections 2 and 3 Act VI of 1864, in lieu of other punishments in the Province of Oudh during the year 1904.

Offences for which awarded.	Number of stripes awarded.												Total.
	5 and under		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
IN LIEU OF OTHER PUNISHMENTS. (SECTIONS 2 AND 3, ACT VI, 1864.)													
(1) Theft as defined in sec. 378, I. P. C.	37	...	187	14	257	2	61	5	24	1	20	5	613
(2) Theft in a building, tent or vessel as defined in „ 380, „ ...	3	2	22	2	46	2	26	1	5	1	12	2	124
(3) Theft by a clerk or servant as defined in „ 381, „ ...	2	...	10	1	15	2	4	...	3	...	5	...	42
(4) Theft after preparation for causing death or hurt as defined in „ 382, „ ...	1	...	1	2	4	...	...	...	...	...	...	..	8
(5) Extortion as defined in „ 388, „ ...	...	...	...	...	1	...	3	...	...	...	...	...	4
(6) Ditto ditto „ 389, „ ...	...	...	...	...	...	...	...	...	...	...	...	1	1
(7) Dishonestly receiving stolen property as defined in „ 411, „ ...	1	...	25	...	40	...	31	...	9	...	12	...	118
(8) Ditto ditto „ 412, „ ...	...	...	1	...	2	...	1	...	...	...	...	...	4
(9) Lurking house-trespass as defined in „ 443, „ ...	1	...	4	...	14	...	2	2	2	...	1	...	26
(10) Lurking house-trespass by night as defined in „ 444, „ ...	1	...	8	1	23	...	21	...	2	...	2	1	59
(11) House-breaking as defined in „ 445, „ ...	...	...	13	...	22	...	20	...	7	...	14	1	77
(12) House-breaking by night as defined in „ 446, „ ...	...	...	19	...	96	...	47	1	23	3	10	...	199
(13) Offences under section 19, Act XXVII of 1871 ...	1	...	12	...	11	1	6	4	1	...	...	..	36
Total ... 1904 ...	47	2	302	20	531	7	222	13	76	5	76	10	1,311
Total ... 1903 ...	74	...	337	2	465	7	273	18	81	7	72	8	1,344

IMPERIAL RETURN No. VA—(CRIMINAL).

PART II.

Showing Whippings Inflicted in addition to other Punishments, sections 3 and 4, Act VI, 1864, in the Province of Oudh during the year 1904.

Offences for which awarded.	Number of stripes.						Total.
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	
1	2	3	4	5	6	7	8
In addition to other Punishments.							
(SECTIONS 3 AND 4.)							
A.—Section 3.							
Theft as defined in section 378, Indian Penal Code ...	...	2	6	9	3	11	31
Theft in a building, tent or vessel as defined in section ... 380, „ ...	...	1	1	2	1	6	11
Theft by a clerk or servant as defined in section 381, „ ...	...	...	...	...	1	...	1
Theft after preparation for causing death or hurt as defined in section ... 382, „ ...	...	...	...	...	...	1	1
Dishonestly receiving stolen property as defined in section ... 411, „ ...	...	...	1	3	1	6	11
Lurking house-trespass as defined in section ... 443, „ ...	...	...	1	1	...	2	4
Lurking house-trespass by night as defined in section ... 444, „ ...	...	1	...	...	...	2	3
House-breaking as defined in section ... 445, „ ...	...	...	...	2	...	6	8
House-breaking by night as defined in section ... 446, „ ...	...	...	3	6	5	11	25
Offences under section ... 19, Act XXVII of 1871	...	...	...	2	...	8	10
Total ... 1904 ...	...	4	12	25	11	53	105
Total ... 1903 ...	...	15	18	36	15	40	124

IMPERIAL RETURN No. VA—(CRIMINAL).

PART III.

Showing Whippings Inflicted under section 5, Act VI of 1864, on Juveniles for Offences other than those specified in Parts I and II in the Province of Oudh during the year 1904.

Offences.	Stripes.												Total.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.		
	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Fabricating false evidence as defined in section 192, Indian Penal Code	...	...	...	...	1	...	...	...	...	...	...	...	1
False charge of offence made with intent to injure as defined in section 211, Indian Penal Code	...	...	1	...	1	...	...	...	...	...	...	...	2
Attempt to commit suicide as defined in section 309, Indian Penal Code	...	...	1	...	...	...	1	...	...	...	...	...	2
Voluntarily causing hurt to extort property or to constrain to an illegal act as defined in section 327, Indian Penal Code ...	...	...	...	...	1	...	...	...	...	...	...	...	1
Causing hurt by an act which endangers life or the personal safety of others as defined in section 337, Indian Penal Code ...	...	...	2	...	...	...	...	...	...	...	...	...	2
Rape as defined in section 376, Indian Penal Code	...	...	...	...	...	...	...	...	...	...	1	...	1
Unnatural offence as defined in section 377, Indian Penal Code	...	...	1	...	1	1	3	...	...	..	...	..	6
Theft as defined in section 379, Indian Penal Code	...	...	...	...	1	...	...	...	...	...	...	...	1
Theft in a dwelling house, &c., as defined in section 380, Indian Penal Code ...	...	...	1	...	...	...	...	...	...	...	...	...	1
Cheating and dishonestly inducing delivery of property as defined in section 420, Indian Penal Code	...	...	1	...	...	...	...	...	...	...	...	...	1
Mischief by killing or maiming cattle, &c., as defined in section 429, Indian Penal Code ...	...	...	1	...	...	...	...	...	...	...	...	...	1
Lurking house-trespass or house-breaking as defined in section 454, Indian Penal Code ...	...	...	1	...	2	...	3	...	1	...	...	...	7
Lurking house-trespass or house-breaking by night as defined in section 457, Indian Penal Code	1	...	1	...	16	...	15	...	16	...	16	...	65
Offences under Act IX of 1890	2	...	5	...	...	...	...	...	...	...	...	...	7
Offences under section 66, Cantonment Code, 1899	...	...	1	...	..	...	...	...	...	...	...	...	1
Offences under section 52, Act VI of 1898 ...	...	...	...	...	...	...	...	...	1	...	...	...	1
Total ... 1904 ...	3	...	16	...	23	1	22	...	18	...	17	...	100
Total ... 1903 ...	8	...	13	...	15	...	7	...	4	...	1	...	48

IMPERIAL RETURN No. VA—(CRIMINAL).

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments.

Punishments.	Number.	Remarks.
1	2	3
(1) Total number of whippings awarded...	1,516	
(2) Total number of other punishments in cases in which whipping might have been awarded	2,989	
(3) Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)	4,505	
Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3). 1904 ...	33·65	
1903 ...	32·43	

IMPERIAL RETURN No. VI—(CRIMINAL).

Showing the Result of Appeals and Revisions in Criminal Cases in the Province of Oudh during the year 1904.

Tribunals.	Total number of appellants or applicants before the Courts.	Number of persons—										Average number of days each appeal lasted.	Number of persons dealt with under—		Remarks.
		Died, escaped or transferred to another Province.	Appeals or applications rejected.	Sentences or orders confirmed.	Sentences enhanced	Sentences reduced or otherwise altered.	Sentences reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to High Court.	Pending trial.		Section 106 (3), Criminal Procedure Code.	Section 8, clause 2, of the Reformatory Schools Act.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Appeals.															
To Chief Magistrates of districts.	1,613	1	195	901	1	170	298	...	11	2	34	12·32	...	...	
To Sessions Courts ...	2,428	13	837	834	1	324	325	3	33	1	57	13·03	11	...	
Superior Courts. By persons convicted.	521	...	40	341	...	69	52	...	...	...	19	26·56	...	...	
Superior Courts. By Government.	8	...	...	...	...	...	7	...	...	...	1	38·5	...	...	
Total ... 1904 ...	4,570	14	1,072	2,076	2	563	682	3	44	3	111	17·42	11	...	
Total ... 1903 ..	3,714	15	804	1,729	73	371	505	12	66	2	137	16·94	3	...	
Revisions.															Applications by complainants against accused,
By Chief Magistrates of districts.	76	...	390	365	2	16	15	...	180	10	3	12·54	...	...	378 „ 374 „ 905
By Courts of Session...	509	5	390	437	...	1	7	11	47	59	27	13·36	...	...	150 „ 164 „ 475
By Superior Courts...	269	...	96	155	...	35	59	...	18	...	23	19·9	...	...	46 „ 61 „ 117
Total ... 1904 ...	854	5	876	957	2	52	81	11	245	69	53	14·45	...	...	574 „ 599 „ 1,497
Total ... 1903 ...	739	1	871	892	17	45	117	30	254	69	67	17·51	...	2	689 „ 703 „ 1,624

IMPERIAL RETURN No. XIII—(CRIMINAL).

Showing the Use of Jurors and Assessors in the Criminal Courts in the Province of Oudh during the year 1904.

Class of Courts in which assessors are employed distinguishing Criminal from Civil Courts.	Established or average number of jurors or assessors in each case and prescribed qualifications.	Number of cases tried by jury.	Number of cases with assessors.	Jury trials.					Assessors' trials.		
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved.		Number of cases in which the Judge agreed with assessors.	Number of cases in which the Judge differed from—	
					Wholly.	Partially.	Whose cases he referred under section 307, Criminal Procedure Code.	Whose cases he did not refer under section 364, Criminal Procedure Code.		One assessor.	Both assessors.
1	2	3	4	5	6	7	8	9	10	11	12
Sessions Judge, Lucknow ...	*7	29	51	28	...	1	1	...	34	5	12
„ „ Sítapur ...	2	...	138	...	...	...	...	...	89	12	37
„ „ Hardoi ...	2	...	76	...	...	...	...	...	51	11	14
„ „ Fyzabad ...	3	...	63	...	...	...	...	...	49	1	13
„ „ Gonda ...	3	...	92	...	...	...	...	...	68	10	14
„ „ Rae Bareli ...	2	...	50	...	...	...	...	...	43	2	5
Total ... 1904	...	29	470	28	...	1	1	...	334	41	95
Total ... 1903	...	21	437	21	...	...	...	...	325	37	75

* Five Jurors and two Assessors.

NOTE

ON THE

Administration of Criminal Justice

IN THE PROVINCE OF OUDH,

DURING THE CALENDAR YEAR ENDING 31ST DECEMBER 1905;

WITH STATEMENTS

ALLAHABAD:

Printed at the United Provinces Government Press.

1906.

Note on the Administration of Criminal Justice in the Province of Oudh, during the calendar year ending 31st December 1905.

1. The office of Judicial Commissioner was held by Mr. Ross Scott from the beginning of the year to 4th June, and again from 10th July to the end of the year. Mr. W. F. W. Wells, in addition to his own duties, held charge of the office during Mr. Scott's absence on leave from 5th June to 9th July.

Judicial Statement No. I.

I was 1st Additional Judicial Commissioner from 1st January to the 5th of April, and again from 30th October to the end of the year. Mr. A. E Ryves officiated during my absence on leave from 7th April to 29th October.

Mr. W. F. W. Wells was 2nd Additional Judicial Commissioner from 1st January to 12th July, and again from 9th October to the end of the year. The office of 2nd Additional Judicial Commissioner was vacant during Mr. Wells' absence on privilege leave from 13th July to 8th October.

2. The number of Assistant Sessions Judges during the year was the same as in the previous year.

3. The average number of cases decided by each officer was 167 as against 168 in the previous year.

4. The total number of offences reported decreased by 600. Of the twelve districts, six show an increase and six a decrease; the principal increase being in Kheri (446), and the principal decrease being in Lucknow (672).

Judicial Statement No. II.

5. Reports of offences under the Indian Penal Code decreased by 694: Hurt cases showing a decrease of 249, Mischief 271, and Criminal force and assault 429.

6. The district figures call for no remark, except that Partabgarh shows a fall in Hurt cases of 201 and Kheri a rise of 123.

7. In the reports of cases under the Code of Criminal Procedure and Special and Local Laws the chief variations were as follows:—There was an increase in cases under the Municipal Bye-Laws of 363; Fyzabad showing a rise of 378, Kheri 158, and Sitapur 153. Lucknow shows a decrease of no less than 600 cases.

8. Nuisance cases decreased by 340—Sitapur showing a fall of 208, Partabgarh 106, and Fyzabad 101.

9. An increase in the reports of offences against property in the Fyzabad and Unao districts is attributed to the prevalence of high prices almost throughout the year.

An increase in Municipal and Sanitation cases is said to be due to the more vigorous enforcement of the Acts relating to the same.

10. Notwithstanding the decrease of 600 in the number of cases reported, the number of cases returned as true shows a decrease of only 378; and 32,807 cases were brought to trial against 32,260 in the previous year.

11. The percentage for the Province of cases dismissed, under section 203 of the Code of Criminal Procedure, was 26·86, varying from 21·19 in Lucknow to 33·48 in Unao. The provisions of this section appear to be applied with discretion.

12. Thirty-eight European British subjects came up for trial during the year under report against 22 in the previous year. Of these, 23 were convicted against 10 in 1904, and the remaining 15 were either acquitted or discharged. Of these cases, 34 were disposed of by District Magistrates and 4 by Sessions Judges.

Judicial Statement No. IIA.

13. There was a decrease of "Miscellaneous proceedings" under all the heads, the number being 2,709 against 2,989 in 1904. The number of persons concerned was also less, being 6,419 against 6,710 in the previous year.

Judicial Statement No. III.

Of the 43 cases under Chapter VIC and section 485 of the Code of Criminal Procedure, I find that no less than 34 cases dealing with 161 persons out of the 188 shown in the return are provided by the Hardoi district alone. I find also that the Hardoi district provided the great majority of cases under this head in 1903 and 1904. I am inquiring into the cause of this.

Security for good behaviour was taken from 1,501 persons against 1,536 in 1904 ; and for preventing breach of the peace from 1,550, as against 1,339 in the previous year.

14. The number of cases relating to security for good behaviour in the Sitapur district was nearly double that of the previous year. This is attributed to greater activity on the part of the police.

15. A tendency has been observed in some districts to call for security for good behaviour from persons who have already suffered imprisonment for failure to give such security without giving them a sufficient opportunity of showing that they will live an honest life. This court has adopted the view expressed by several other High Courts that a reasonable time must be allowed to elapse before fresh proceedings are taken.

16. Proceedings under section 250 of the Code of Criminal Procedure were nearly the same as in the previous year. Some District Magistrates consider that a freer use might have been made of this section, but the majority, considering the number of complaints dismissed under section 203, seem to be satisfied with the way in which section 250 is worked.

17. In the Courts of Magistrates 61,152 persons were under trial during the year, as against 61,216 in 1904. The percentage of convictions was slightly above that of the previous year, being 44·3, as against 42 in 1904. The district figures show remarkable differences in the percentage of convictions.

Judicial Statement No. IV.

In Lucknow the percentage was 64, while in Unao it was 36·6, and in Partabgarh it was only 22·2. The District Magistrate of Partabgarh suggests that the low percentage in his district is largely due to cases being compounded. The figures in Unao are attributed to undue leniency on the part of Magistrates.

The number of persons under trial in the Courts of Session was 1,166, as against 1,088 in 1904. Of these, the cases of 1,066 persons were disposed of, the percentage of convictions being 57·6, as against 63 in the previous year.

The Honorary Magistrates and Bench Magistrates disposed of more cases in this than in the previous year, the figures being 4,639 and 2,394, respectively.

Babu Indra Datt Singh, Honorary Magistrate, Fyzabad district, described by the District Magistrate as a very useful Magistrate, disposed of 334 cases ; M. Khalilullah Khan, of Bharwara ; and M. Tasadduk Husain, of Aurangabad ; Honorary Magistrates in Kheri district, disposed of 208 and 161 cases, respectively. Of these two gentlemen the District Magistrate says that they have, as in past years, been of the greatest assistance to the District Staff.

Three Honorary Magistrates tried only one case and two Honorary Magistrates tried none.

The District Magistrate of Lucknow remarks : "The Lucknow Bench rendered excellent service and their decisions are respected." I am glad to be able to indorse this.

18. The average number of days during which each case lasted in the Courts of Magistrates was 9·12, as against 8·88 in the previous year. The long duration of cases in the Courts of Deputy Magistrates in Bara Banki is attributed to the fact that the work was too heavy for the staff. In Sitapur the long duration is attributed to the district being undermanned, and in Unao to numerous transfers of Deputy Magistrates, during the year under report.

The average duration varies from 6·3 days in Lucknow to 12·35 in Hardoi.

19. In the Courts of Session, there was a slight decrease in the average duration. The district figures vary from 46·5 days in Hardoi to 32·07 days in Rae Bareli.

20. The number of cases pending over six weeks was nearly the same as in the previous year. It was the largest in the districts of Sitapur (34) and Sultanpur (14). There were no cases pending over six weeks in any of the Courts of Session.

21. The cases of 26 persons pending under section 466 of the Criminal Procedure Code have been omitted from return No. IV in accordance with G. O. No. 750-751/VII-16, dated the 19th June 1905.

22. The number of witnesses summoned by the Courts during the year was nearly the same as in the previous year.

Out of 91,970 witnesses examined only 3,544 are said to have been detained beyond the 2nd day. Some District Magistrates seem to doubt the accuracy of the figures.

If the figures are correct they are very satisfactory.

The District Magistrate of Bara Banki remarks that, in his opinion, more witnesses are sent up than are necessary to prove facts in issue.

In Bara Banki 15 witnesses were detained for more than one week. In Lucknow in one or two heavy cases witnesses were unavoidably detained for several days.

Judicial Statement No. V.

23. Sentences of Simple imprisonment, Fine, and Whipping show an increase of 80,612, and 324, respectively.

The District Magistrate of Bara Banki remarks that solitary confinement is not sufficiently resorted to by the Magistrates in his district.

Fines were imposed on 16,923 persons, as against 16,311 in the previous year. The amount of fines imposed by Magistrates was Rs. 83,600, of which Rs. 74,026 were realised.

As the District Magistrate of Lucknow suggests, some Magistrates do not sufficiently consider the prospects of realisation when inflicting fines.

In the Courts of Session the fines imposed amounted to Rs. 6,470, and only Rs. 200 were realised. Nothing was realised in the Courts of Session of Lucknow and Gonda. Sessions Judges have not the same means of gauging the probability of a fine being recovered, but allowing for this, I think that more care is required in the imposition of fines.

A sum of Rs. 12,089 was paid by way of compensation, as against Rs. 15,716 in 1904.

The percentage of whippings, as compared with other punishments in cases in which whipping might have been inflicted was 36·68 for the whole province, as against 33·65 in the previous year.

Very little use seems to have been made of Reformatory Schools. The number of boys whose sentences were commuted to detention in Reformatory Schools was 5, as against 6 in the previous year.

Judicial Statement No. VI.

24. Appeals in the Magistrates' Courts increased, while in the Courts of Session they show a decrease. The decrease is found in all the Courts of Session except Gonda, where there was an increase, which the Judge attributes to an increase in cases under the Criminal Tribes' Act and to a larger number of offences against property.

Of the 4,331 appeals before the Courts, 799 were summarily rejected, and in 2,117 cases the orders of first Courts were confirmed. The average duration was 13·88 days, as against 17·42 in the previous year.

Judicial Commissioner's Court.

25. In this Court appeals by 443 persons and one by Government came up for disposal. Of the prisoners' appeals, 274 were dismissed, the sentences on 150 were set aside or modified, further enquiry ordered in six cases, and the appeals of 13 persons remained pending. The appeal by Government was allowed, the order of acquittal set aside and the accused sentenced to transportation for life.

There were 215 cases for revision, of which all but two were disposed of. The sentences passed on 122 out of 329 persons being altered or set aside.

Of the 42 Capital sentences which were referred to this Court for confirmation, 32 were confirmed, 4 altered to transportation for life, and 4 set aside, while two cases remained undisposed of at the close of the year.

The average duration of appeals and applications for revision by accused persons was 27·36 and 10·92, respectively.

The appeal by Government remained pending for 309 days, as the accused was not arrested for more than eight months after the appeal was filed.

26. Statement E shows the result of appeals and applications for revision against the orders of Sessions Judges. The appeals of all but three persons against the orders of the Sessions Judge of Lucknow were dismissed. The existence of the jury system in Lucknow no doubt contributed to this result, but, even so, the figures are remarkable. The three officers who presided in the Court of Session at Fyzabad obtained almost equally good results. The statement shows that the sentences on 60 out of 120 persons who appealed from the Hardoi division were either modified or reversed, but, in explanation of this, I may point out the sentences on 37 persons were altered in one case alone, this court taking a more serious view of the action of the accused than the Sessions Judge.

27. The statements attached to this note show that Deputy Magistrates disposed of a very large amount of criminal work during the year, and it is not surprising that some District Magistrates complain that their subordinates are overworked or are obliged to work at high pressure. As the figures in rent cases coming before District Judges and this court are excluded from the returns attached to the report on the Administration of Civil Justice, it may not be out of place to point out here that the evil effects of continued high pressure in the Courts of Magistrates who are also Assistant Collectors are to be found chiefly in the trial of rent cases.

The figures given in the last report of the Board of Revenue on the Revenue Administration show that not more than 55 per cent. of orders of Assistant Collectors were confirmed in appeal by Deputy Commissioners or District Judges. Of 120 second rent appeals heard by this court in 1905 only 62 per cent. were dismissed, whereas over 75 per cent. of the second appeals in ordinary civil cases were dismissed. If the same standard of procedure were exacted in rent cases as in cases in the Civil Courts, the percentage of rent appeals dismissed would be lower still. The rent work done by Deputy and Assistant Magistrates as Assistant Collectors under the Rent Act too often bears traces of great haste. I attribute this largely to the fact that rent cases are usually taken up when time can be spared from criminal work and are repeatedly postponed.

In my opinion there is room for improvement in the arrangement of case work in the Courts of Deputy Magistrates.

E. CHAMIER,
Offg. Judicial Commissioner, Oudh.

LUCKNOW:
The 7th August 1906.

Accompaniments.

Imperial Returns Nos. I, II, IIA. III, IV, V, VA, VI and XIII; and Provincial Tables A, B, C, D, E and F.

[Maximum number of pages of the Report (excluding statistics) as fixed by the Government of India—10.]

IMPERIAL RETURN No. I—(CRIMINAL).

Showing the number of Judical Divisions and the number of Officers exercising Original and Appellate jurisdiction in the Province of Oudh, during the year 1905.

Name of Province.	Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Judges of Chief Court of Province.	Number of officers exercising original or appellate jurisdiction.				Total number of cases decided.				Remarks.
						Judges of other Courts superior to Chief district Courts.	Judges of Chief Courts of districts.	Judges of district Courts other than Chief Courts.	Judges of other subordinate Courts.	Original.		Appellate.		
										Regular.	Miscellaneous.	Regular.	Miscellaneous.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Territory subject to the Judicial Commissioner of Oudh.	23,992 sq. m.	12,833,077	6	12	3	*8	12	57	156	32,800	2,649	3,116	977	
Total, 1904 ...	...	...	...	...	3	8	12	58	159	33,122	2,865	3,329	1,064	

Grades of Judicial Officers.		Europeans	Natives.
Officers exercising both Original and Appellate jurisdiction.	Judicial Commissioners	3	...
	District and Sessions Judges.	5	1
	Assistant Sessions Judges.	1	1
	Deputy Commissioners	12	...
Officers exercising Original jurisdiction only.	Assistant Commissioners.	10	...
	Deputy Collectors ...	1	46
	City and Cantonment Magistrates.	2	1
	Tahsildars ...	...	49
	Honorary Magistrates	1	103

* Includes 2 Assistant Sessions Judges.

For Home and Agricultural Departments.

	Europeans.	Natives.
Judicial Commissioners	3	...
District and Sessions Judges	5	1
Assistant Sessions Judges	1	1
Deputy Commissioners	12	...
Assistant Commissioners	10	...
Deputy Collectors	1	46
City Magistrates	1	...
Cantonment Magistrates	2	...
Tahsildars	...	49
Honorary Magistrates	1	103

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted, and acquitted of each class of offence in the Province of Oudh, during the year 1905.

Description of offence.		Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.
1		2	3	4	5	6	7	8	9
Offences against the Army and Navy; chapter VII, Indian Penal Code.		1	...	...	...	..	...	...	...
Offences against the public tranquillity; chapter VIII, Indian Penal Code.		621	459	472	2,557	761	1,671	4	121
Offences by, or relating to, public servants; chapter IX, Indian Penal Code.		60	34	36	52	16	34	...	2
Contempt of the lawful authority of public servants; chapter X, Indian Penal Code.		513	474	484	739	319	387	2	31
False evidence and offences against public justice; chapter XI, Indian Penal Code.		337	286	312	404	146	245	3	10
Offences relating to Coin ...	Chapter XII, Indian Penal Code.	34	34	35	40	9	31	...	...
Offences relating to Government stamps.	Chapter XII, Indian Penal Code.	1	1	1	1	1	...	...	...
Offences relating to Weights and Measures, chapter XIII, Indian Penal Code.		19	17	17	17	7	10	...	...
Offences affecting the public health, &c., chapter XIV, Indian Penal Code.		326	277	281	410	69	331	2	8
Offences relating to religion, chapter XV, Indian Penal Code.		78	29	29	66	34	13	...	19
Offences affecting the human body, chapter XVI, Indian Penal Code.	Offences affecting life ...	589	567	588	820	252	491	9	68
	Causing miscarriage, injury to unborn children, exposure of infants, and the concealment of births.	41	39	40	46	9	32	..	5
	Hurt	12,109	7,899	8,026	17,392	14,716	2,342	18	316
	Wrongful restraint and wrongful confinement.	314	109	113	244	199	42	...	3
	Criminal force and assault ...	2,008	1,140	1,161	2,407	1,926	411	3	67
	Kidnapping or forcible abduction, slavery, forced labour and buying or selling a minor for the purpose of prostitution.	175	73	75	131	80	43	...	8
	Rape	71	39	39	44	21	20	...	3
	Rape (attempt)	...	...	3	3	...	3	...	...
	Unnatural offence	27	25	26	26	8	17	...	1
Offences against property, chapter XVII, Indian Penal Code.	Theft	3,561	2,740	2,797	3,736	988	2,664	3	81
	Extortion	236	61	63	99	75	19	...	5
	Robbery and dacoity ...	255	173	170	511	294	159	1	57
	Criminal misappropriation of property.	73	35	35	38	11	25	1	1
	Criminal breach of trust ...	309	153	162	189	95	86	2	6
	Receiving stolen property ...	662	650	673	881	218	640	6	17
	Cheating	351	144	153	214	95	109	1	9
	Fraudulent deeds and disposition of property.	3	2	2	2	2	...	...	...
	Mischief	1,632	939	959	1,883	1,432	409	...	42
	Criminal trespass	4,288	2,908	2,965	5,045	2,853	2,048	22	122
Offences relating to documents and to trade and property marks, chapter XVIII, Indian Penal Code.		60	34	43	67	34	29	1	3
Criminal breach of contract of service, chapter XIX, Indian Penal Code.		7	4	4	16	15	1	...	...
Offences relating to marriage, chapter XX, Indian Penal Code.		1,401	593	608	784	662	94	4	24
Defamation, chapter XXI, Indian Penal Code.		494	128	132	199	168	29	...	2
Criminal intimidation, insult and annoyance, chapter XXII, Indian Penal Code.		394	137	138	237	193	37	...	7
Total under the Indian Penal Code.	1905	31,050	20,203	20,642	39,300	25,708	12,472	82	1,038
	1904	31,744	20,608	21,167	39,769	26,847	11,967	78	877

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted, and acquitted of each class of offence in the Province of Oudh, during the year 1905—(contd).

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Code of Criminal Procedure, 1898, sections 107, 112—119. (Security for keeping the peace.)	1,190	496	509	2,503	863	1,550	...	90
Code of Criminal Procedure, 1898, sections 109, 110, 112—119. (Security for good behaviour.)	843	782	814	1,734	204	1,501	3	26
Special and Local Laws.								
Arms Acts (XI of 1878 and XI of 1882)...	61	61	62	72	23	45	...	4
Cantonments Act, XIII of 1889 ...	908	904	904	2,520	202	2,318	...	...
Cattle Trespass Act, I of 1871 (amended by Act I of 1891.)	2,614	1,811	1,829	4,636	4,101	490	1	44
Companies, Indian, Act VI of 1882 (amended by Act VI of 1887).	2	2	2	12	3	9	...	...
Court Fees Act, VI of 1870 (amended by Acts VI of 1887, XXI of 1891, and XII of 1895).	2	2	2	3	...	3	...	...
Criminal Tribes and Eunuchs, Act XXVII of 1871 (amended by Act II of 1897).	161	161	171	171	9	160	...	2
Cruelty to Animals, Act XI of 1890 ...	151	151	151	183	21	162	...	...
Emigration Act, XXI of 1883 (amended by Acts 18 of 1890, VII of 1893 and I of 1896).	7	7	8	10	7	3	...	...
Excise on Spirits and Drugs, Act XII of 1891.	272	271	273	344	58	281	...	5
Ferries, Act XVII of 1878 (amended by Act III of 1886).	29	22	23	55	37	10	...	8
Forests, Act VII of 1878 (amended by Act V of 1890).	32	30	30	79	5	74	...	...
Gaming and Lotteries, Act III of 1867...	107	107	108	553	81	453	...	19
Hackney Carriages, Act XIV of 1879 ...	322	317	318	428	80	316	1	31
Indian Explosives, Act IV of 1884 ...	1	1	1	1	1	...	...	...
Municipal Bye-laws, Act I of 1900 ...	3,421	3,268	3,335	3,678	718	2,932	7	21
Opium, Act I of 1878	103	102	102	111	29	82	...	...
Opium Cultivation, Act XIII of 1857 ...	7	7	7	14	1	13	...	...
Police District, Act V of 1861 ...	2,368	2,364	2,369	3,468	286	3,178	1	3
Police Road and Village, Act XVI of 1873.	10	10	10	10	2	8	...	...
Post Office, Act VI of 1898... ...	3	3	3	3	1	2	...	...
Prisons, Act IX of 1894 (amended by Act XIII of 1898).	4	4	4	4	...	2	...	2
Railways, Act IX of 1890 (amended by Act IX of 1896).	206	202	204	306	46	254	...	6
Salt and Saltpetre, Act XII of 1882 ...	24	24	24	24	1	23	...	...
Sanitation, Act III of 1892, North-Western Provinces and Oudh.	676	676	676	716	22	694	...	...
Stage Coaches, Act XVI of 1861 (amended by Act I of 1898).	36	36	36	50	5	45	...	...
Stamps, Act II of 1899	86	84	85	105	14	89	1	1
Treasure Trove, Act VI of 1878 ...	7	7	8	12	4	8	...	...
Vaccination, Act XIII of 1880 ...	81	73	74	76	75	1	...	...
Village Police, Act XVIII of 1876 ...	21	21	22	24	3	21	...	...
Weights and Measures, Act XXXI of 1871.	1	1	1	1	1	...	...	...
Total under the Code of Criminal Procedure, 1898, and under Special and Local Laws. 1905	13,756	12,007	12,165	21,906	6,903	14,727	14	262
Total under the Code of Criminal Procedure, 1898, and under Special and Local Laws. 1904	13,662	11,980	12,093	21,584	7,251	14,025	12	296
GRAND TOTAL ... 1905	44,806	32,210	32,807	61,206	32,611	27,199	96	1,300
GRAND TOTAL ... 1904	45,406	32,588	33,260	61,353	34,098	25,992	90	1,173

IMPERIAL RETURN

Showing the general result of the trial of European British

Description of offence.		Persons whose cases were disposed of—										
		By District Magistrates and other 1st class Magistrates.				By Courts of Session.			By High Court.		Total for all courts.	
		Convicted.	Acquitted or discharged.	Committed. To Courts of Session.	Committed. To High Court.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 49(2) of the Code.	Convicted.	Acquitted.	Convicted.	Acquitted or discharged.
1		2	3	4	5	6	7	8	9	10	11	12
Offences by, or relating to, public servants, Chapter IX, Indian Penal Code.	Personating a public servant.	1	...	...	...	...	...	...	...	...	1	...
Offences affecting the human body, Chapter XVI, Indian Penal Code.	Causing death by rash or negligent act.	...	1	...	...	...	...	...	...	...	...	1
	Hurt ...	11	6	1	...	2	...	...	...	...	14	6
Offences against property, Chapter XVII, Indian Penal Code.	Theft ...	...	2	1	...	...	1	...	...	...	...	4
	Criminal misappropriation of property.	...	1	...	...	...	...	...	...	...	...	1
	Criminal breach of trust.	1	...	...	...	...	...	...	...	...	1	...
	Mischief ...	2	...	...	...	...	...	...	...	...	2	...
Offences relating to documents, &c., Chapter XVIII, Indian Penal Code.	Forgery or uttering or possessing forged documents or papers.	...	...	...	...	1	...	...	...	...	1	...
Defamation, Chapter XXI, Indian Penal Code.		1	...	...	...	...	...	...	...	...	1	...
Criminal intimidation, insult or annoyance, Chapter XXII, Indian Penal Code.		1	...	...	...	...	...	...	...	...	1	...
Special and Local Laws.												
Nuisance, section 34, Act V of 1861 ...		1	2	...	...	...	...	...	...	...	1	2
Cattle Trespass, section 22, Act I of 1871		...	1	...	...	...	...	...	...	...	...	1
Railways, section 21, Act IX of 1890		1	...	...	...	...	...	...	...	...	1	...
Grand Total ...		19	13	2	...	3	1	...	...	...	23	15

No. II A—(Criminal).

subjects in the Province of Oudh, in the year 1905.

Of the total number of persons shown in—										
Columns 2 to 5.			Columns 6 to 8.		Column 6 to 10.		Columns 11 to 12. Number whose cases were disposed of by—			
							Magistrates.		Sessions Judges.	
Number who claimed to be tried by a mixed jury, section 451 (1) of the Code	Number who did not so claim.	Number of those in column 15 whose cases were transferred under section 451(19) of the code.	Number who claimed a mixed number of assessors, section 450 (2) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury section 450(1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
13	14	15	16	17	18	19	20	21	22	23
...	1	...	...	...	...	...	1	...	...	
...	1	...	...	...	...	...	1	...	...	
1	17	...	...	2	...	...	17	1	2	
...	3	..	...	1	...	...	2	1	1	
...	1	...	...	...	...	...	...	1	...	
...	1	...	...	...	...	...	1	...	...	
...	2	...	...	...	...	...	2	...	...	
...	...	...	1	...	...	...	...	...	1	
...	1	...	...	...	...	..	1	...	...	
...	1	...	...	...	...	...	1	...	...	
...	3	...	...	...	...	...	1	2	...	
...	1	...	...	...	...	...	1	...	...	
...	1	...	...	...	....	...	1	...	...	
1	33	...	1	3	...	...	29	5		

IMPERIAL RETURN No. III—(CRIMINAL).

Miscellaneous proceedings under the Criminal Procedure Code in the Province of Oudh, during the year 1905.

Nature of proceedings.	Total number of cases before the courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.
1	2	3	4	5
1. Proceedings against witnesses under chapter VIC and section 485 of chapter XXXII.	43	188	84	104
2. Proceedings under chapter VIII—to prevent breach of the peace.	509	2,503	863	1,550
3. Proceedings under chapter VIII—security for good behaviour.	814	1,734	204	1,501
4. Proceedings against local nuisances, chapter X ...	228	643	345	175
5. Possession, chapter XI	94	272	130	137
6. Frivolous or vexatious accusations summarily dealt with under chapter XX, section 250.	212	225	5	220
7. Non-attendance of jurors and assessors, chapter XXIII, section 332.	38	39	26	12
8. Maintenance, chapter XXXVI	669	669	556	108
9. Forfeiture of bail or recognisance under chapter XLII.	65	93	33	60
10. Proceedings under chapter XLVI, section 563, against convicted offenders released under section 562.	37	53	20	33
Total ... 1905 ...	2,709	6,419	2,266	3,900
Total ... 1904 ...	2,989	6,710	2,493	3,892

IMPERIAL RETURN No. IV—(CRIMINAL).

Showing the general result of criminal trials in the tribunals of various classes in the Province of Oudh, during the year 1905.

Class of courts.	Total number of persons under trial.	Persons whose cases were disposed of.										Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.
		Died, escaped or transferred to another province.	Discharged or acquitted.	Convicted.											
				On regular trial.				On summary trial.				Committed or referred.			
				Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.		Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.					
						Discharged after admonition.	Delivered to parent or guardian.			Discharged after admonition.	Delivered to parent or guardian.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Subordinate Magistrates. Special Magistrates under section 14.	175	..	102	32	1	...	...	39	...	...	...	1	...	85	8·78	168
Honorary Magistrates sitting singly.	5,045	2	4,120	801	...	...	...	...	...	...	...	...	122	2,394	8·87	4,371
Stipendiary Magistrates sitting singly.	48,573	82	25,057	15,918	95	2	6	5,260	61	14	5	1,076	997	24,918	9·50	77,265
Benches of Magistrates.	6,561	4	2,787	3,060	...	...	...	646	...	...	...	...	64	4,639	6·75	4,191
District and Divisional Magistrates—cases referred under sections 347—349, Criminal Procedure Code.	404	...	15	353	26	...	1	5	...	...	...	2	2	4	1·00	4
Chief Magistrates of districts.	362	2	85	139	2	...	...	86	...	...	...	33	15	197	9·91	874
Deputy Commissioners—under section 30, Act V of 1898.	32	...	...	32	...	...	...	...	...	...	...	...	...	29	20·00	47
Total of Magistracy 1905	61,152	90	32,166	20,335	124	2	7	6,036	61	14	5	1,112	1,200	32,266	9·12	86,920
Total of Magistracy 1904	61,216	82	33,731	18,981	140	5	7	6,125	59	12	5	951	1,118	32,601	8·88	85,926
Sessions Judges. 1905	1,166	6	445	614	...	1	...	...	...	...	...	...	100	534	36·18	5,050
Sessions Judges. 1904	1,088	8	367	653	...	3	2	...	...	...	...	...	55	521	38·93	4,901

IMPERIAL RETURN No. V—(CRIMINAL).

Showing Punishments inflicted by the various Criminal Tribunals in the Province of Oudh, during the year 1905.

Class of Courts.	Persons sentenced to—								Persons ordered to find or give security or recognisance to keep the peace or security for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishments.																Number of boys whose sentences were commuted to detention in a Reformatory school.
				Imprisonment							Fine.									Imprisonment.					Whipping.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.			Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realised during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes.	20 stripes.	30 stripes.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs.	Rs.	Rs.									
Subordinate Magistrates. Special Magistrates.	...	...	...	13	1	...	43	13	9	3	38	5	...	...	...	...	257	267	101	2	11	1	...	...	4	9	...	...
Honorary Magistrates sitting singly.	...	...	...	164	17	...	664	...	...	...	602	62	...	...	...	...	3,553	3,370	541	71	109	1	...	...	...	...	...	...
Stipendiary Magistrates sitting singly.	...	...	...	4,947	357	...	12,433	1,504	3,054	1,379	10,968	1,405	48	10	2	...	71,471	62,190	10,491	890	3,075	1,333	6	...	339	863	302	3
Benches of Magistrates.	...	...	...	44	11	...	3,665	..	...	...	3,625	40	...	...	...	...	5,183	5,143	331	32	23	...	...	...	...	...	...	...
District and Divisional Magistrates cases referred under sections 347, 349, Criminal Procedure Code	...	...	...	56	2	...	15	274	25	...	14	1	...	...	...	...	36	6	...	15	19	24	...	...	127	111	36	1
Chief Magistrates of districts.	...	...	...	49	11	...	96	25	57	25	61	29	2	4	...	...	3,090	3,040	525	11	26	19	4	...	6	17	2	...
Deputy Commissioners, under section 30, Act V of 1898.	...	...	...	32	...	...	1	14	...	...	1	...	...	...	...	...	10	10	...	...	...	4	28	...	...	...	14	...
Courts of Session	40	77	...	502	10	...	6	10	...	10	...	...	2	1	2	1	6,470	200	100	8	62	109	313	20	...	6	4	1
Total ... 1905	40	77	...	5,807	409	...	16,923	1,840	3,145	1,417	15,309	1,542	52	15	4	1	90,070	74,226	12,089	1,029	3,325	1,491	351	20	476	1,006	358	5
Total ... 1904	39	105	...	5,896	329	...	16,311	1,516	2,940	1,430	14,586	1,692	85	37	1	...	93,324	83,788	15,716	925	3,350	1,562	371	17	383	871	262	6

IMPERIAL RETURN No. VA—(CRIMINAL).

PART I.

Showing the particulars of whippings inflicted by the Criminal Tribunals in the Province of Oudh, during the year 1905.

Showing whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other punishments.

Offences for which awarded.	Number of persons awarded.			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
1	2	3	4	5
IN LIEU OF OTHER PUNISHMENTS.				
(SECTIONS 2 AND 3, ACT VI, 1864.)				
1. Theft, as defined in sections 378-382, I. P. C.	342	502	101	945
2. Extortion, as defined in sectons 388 and 389, I. P. C.	...	...	...	...
3. Dishonestly receiving stolen property, as defined in sections 411 and 412, I. P. C.	18	86	33	137
4. Lurking house-trespass, as defined in section 443, I. P. C.	14	15	5	34
5. Lurking house-trespass by night, as defined in section 444, I. P. C.	20	46	14	80
6. House-breaking, as defined in section 445, I. P. C.	14	39	39	92
7. House-breaking by night, as defined in section 446, I. P. C.	54	195	81	330
8. Offences under section 19, Act XXVII of 1871 I. P. C.	4	20	6	30
On 1st conviction ...	462	887	265	1,614
On reconviction ...	4	16	14	34
Total ...	466	903	279	1,648

IMPERIAL RETURN No. VA—(CRIMINAL).

PART II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864.

Offences for which awarded.	Number of persons awarded			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
1	2	3	4	5
In addition to other punishments.				
(SECTIONS 3 AND 4.)				
A.—Section 3.				
1. Theft, as defined in sections 378—382, I. P. C. ...	3	27	23	53
2. Extortion, as defined in sections 388 and 389, I. P. C.	...	1	...	1
3. Dishonestly receiving stolen property, as defined in sections 411 and 412, I. P. C.	2	1	4	7
4. Lurking house-trespass, as defined in section 443, I. P. C.	...	...	5	5
5. Lurking house-trespass by night, as defined in section 444, I. P. C.	...	...	2	2
6. House-breaking as defined in section 445, I. P. C. ...	...	...	...	...
7. House-breaking by night, as defined in section 446, I. P. C.	...	9	7	16
8. Offences under section 19, Act XXVII of 1871 ...	...	15	29	44
B.—Section 4.				
1. Lurking house-trespass by night, as defined in section 444, I. P. C.	...	1	...	1
Total ...	5	54	70	129

IMPERIAL RETURN No. VA—(CRIMINAL).

PART III.

Showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in Parts I and II.

Offences.	Number of persons awarded			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
1	2	3	4	5
1. Abetment, as defined in section 109, I. P. C. ...	1	0	0	1
2. False information, as defined in section 182, I. P. C.	0	1	0	1
3. False evidence, as defined in section 193, I. P. C. ...	1	0	0	1
4. Delivery of King's coin possessed with knowledge that it is altered, as defined in section 251, I. P. C.	0	1	0	1
5. Rash driving or riding on a public way, as defined in section 279, I. P. C.	1	0	0	1
6. Voluntarily causing hurt by dangerous weapons or means, as defined in section 324, I. P. C. ...	1	0	0	1
7. Voluntarily causing grievous hurt by dangerous weapons or means, as defined in section 326, I. P. C.	0	1	1	2
8. Causing hurt by act endangering life or personal safety of others, as definedin section 337, I. P. C. ...	1	0	0	1
9. Assault or criminal force to a woman with intent to outrage her modesty, as defined in section 354, I. P. C.	0	1	0	1
10. Rape, as defined in section 376, I. P. C. ...	0	1	1	2
11. Unnatural offence, as defined in section 377, I. P. C.	0	4	0	4
12. Dishonest misappropriation of property, as defined in section 403, I. P. C.	1	0	0	1
13. Mischief, as defined in section 425, I. P. C. ...	0	1	0	1
14. Lurking house-trespass or house breaking, as defined in section 454, I. P. C.	0	2	0	2
15. Lurking house-trespass or house breaking by night, as defined in section 457, I. P. C. ...	1	30	5	36
16. Criminal breach of trust, as defined in section 405, I. P. C.	0	1	0	1
17. Offences under section 23 of the Cantonment Code	1	0	0	1
18. Offences under section 66 of the Cantonment Code	0	1	0	1
19. Offences under section 130, Act IX of 1890 ...	4	0	0	4
On 1st conviction	11	42	7	60
On reconviction	1	2	0	3
Total ...	12	44	7	63

IMPERIAL RETURN No. VA—(CRIMINAL).

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments.

Punishments.	Number.
1	2
1. Total number of whippings awarded	1,840
2. Total number of other punishments in cases in which whipping might have been awarded	3,175
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)	5,015
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3)	3,668

IMPERIAL RETURN No. VI—(CRIMINAL).

Showing the result of Appeals and Revisions in Criminal cases in the Province of Oudh, during the year 1905.

Tribunals.	Total number of appellants or applicants before the Courts.	Number of persons—									Average number of days each appeal lasted.	Number of persons dealt with under—		Remarks.
		Died, escaped or transferred to another Province.	Appeals or applications rejected.	Sentences or orders confirmed.	Sentences enhanced.	Sentences reduced or otherwise altered.	Sentences reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to High Court.	Pending trial.		Section 106 (3), Criminal Procedure Code.	Section 8, clause 2 of the Reformatory School Act.	
1	2	3	4	5	6	7	8	9	10	11	12	31	14	15	16
Appeals.															
To Chief Magistrates of districts.	1,821	8	99	1,181	6	183	280	1	14	3	46	12·13	2	8	
To Sessions Court ..	2,066	4	652	710	...	299	312	9	11	2	67	11·01	...	...	
Superior Courts — By persons convicted.	443	...	48	226	10	51	89	...	6	...	13	27·36	...	...	
Superior Courts — By Government.	1	...	...	...	...	...	1	...	...	...	...	309·	...	...	
Total 1905 ..	4,331	12	799	2,117	16	533	682	10	31	5	126	13·88	2	8	
Total 1904 ...	4,570	14	1,072	2,076	2	563	682	3	44	3	111	17·42	11	...	
Revisions.															Applications by complainants against accused.
By Chief Magistrates of districts.	93	...	445	375	...	2	16	3	132	3	31	8·95	...	...	321 „ 334 „ 914
By Courts of Session ...	436	...	375	380	...	...	17	10	42	57	38	14·21	...	...	165 „ 199 „ 483
By Superior Courts ...	236	...	39	167	...	35	82	1	4	...	1	10·92	...	...	36 „ 38 „ 93
Total. 1905 ...	765	...	859	922	...	37	115	14	178	60	70	13·96	...	...	522 „ 571 „ 1,490
Total. 1904 ...	854	5	876	957	2	52	81	11	245	69	53	14·45	...	...	574 „ 599 „ 1,497

IMPERIAL RETURN No. XIII—(CRIMINAL).

Showing the use of Jurors and Assessors in the Criminal Courts in the Province of Oudh, during the year 1905.

Class of courts in which Assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of Jurors or Assessors in each case, and prescribed qualifications.	Number of cases tried by Jury.	Number of cases with Assessors.	Jury trials.					Assessors trials.		
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict		Number of persons of the verdict in respect to whom the Judge disapproved.		Number of cases in which the Judge agreed with Assessors.	Number of cases in which the Judge differed from—	
					Wholly.	Partially.	Whose cases he referred under section 307, Criminal Procedure Code.	Whose cases he did not refer under section 364, Criminal Procedure Code.		One Assessor.	Both Assessors.
1	2	3	4	5	6	7	8	9	10	11	12
Sessions Judge, Lucknow ...	7	31	47	26	5	...	13	...	28	2	17
„ „ Sitapur ...	2	...	139	...	...	...	...	...	103	6	30
„ „ Hardoi ...	2	...	87	...	...	...	...	...	65	6	16
„ „ Fyzabad ...	3	...	53	...	...	...	...	...	37	6	10
„ „ Gonda ...	2	...	78	...	...	...	...	...	62	6	10
„ „ Rae Bareli ...	2	...	68	...	...	...	...	...	56	8	4
Total ... 1905 ...	...	31	472	26	5	...	13	...	351	34	87
Total ... 1904 ...	...	29	470	28	...	1	1	...	334	41	95

NOTE

ON THE

Administration of Criminal Justice

IN THE PROVINCE OF OUDH,

DURING THE CALENDAR YEAR ENDING 31ST DECEMBER 1906;

WITH STATEMENTS.

LIBRARY
OF THE
BOMBAY
BRANCH
OF THE
ROYAL ASIATIC SOCIETY

ALLAHABAD:

Printed at the United Provinces Government Press.

1907.

Note on the Administration of Criminal Justice in the Province of Oudh, during the calendar year ending 31st December 1906.

1. The office of Judicial Commissioner was held by Mr. Ross Scott from the 1st of January to the 18th of April, and again from the 10th of September to the end of the year. I officiated for him from the 19th of April to the 9th of September when he was on leave.

Judicial Statement No. I.

I was 1st Additional Judicial Commissioner from the 1st of January to the 18th of April, and again from the 10th of September to the close of the year. Mr. W. F. W. Wells was 2nd Additional Judicial Commissioner from the beginning of the year to the 18th of April. He officiated for me from the 19th of April to the 7th of May, when he retired. Mr. L. G. Evans officiated as 1st Additional Judicial Commissioner from the 8th of May to the 9th of September. He was 2nd Additional Judicial Commissioner from the 1st to the 7th of May and again from the 10th of September to the 31st of December. During the interval from the 8th of May to the 9th of September Mr. H. D. Griffin officiated as 2nd Additional Judicial Commissioner. The appointment of 2nd Additional Judicial Commissioner was vacant from the 19th to the 30th of April.

2. There were two Assistant Sessions Judges during the year, but the office of the Assistant Sessions Judge of Lucknow, Hardoi and Fyzabad was vacant from 11th to 27th February, on 2nd and 3rd May, and from 30th November to the close of the year. The powers of Assistant Sessions Judges are so restricted by the Code that they cannot give much assistance to Sessions Judges, but both the Assistant Sessions Judges have powers as Civil Judges of which they made considerable use.

One of the Assistant Sessions Judgeships has been reserved for the Indian Civil Service. But the pay attached to it (Rs. 800 *per mensem*) does not attract officers of sufficient standing in that service except for short periods. I have suggested that the appointment should be thrown open to the Provincial Civil Service.

3. The average number of cases decided by each officer was 171 as against 167 in the previous year.

4. The total number of offences reported during the year increased by 477. The increase was shared by all districts except Lucknow and Kheri; it was most marked in Gonda (413), Unao (318), Rae Bareli (301), and Partabgarh (278).

Judicial Statement No. II.

5. The decrease of 1,018 in Lucknow was due in part to a fall in the institution of cases under the Special and Local laws (*e.g.*, in cases under the Municipal Bye-laws), but it is somewhat remarkable in view of the large decrease which had already occurred in the previous year.

The decrease in Kheri (212) is attributed to a decline in the number of cases of theft and receiving stolen property and in Municipal offences.

6. There was an increase of 1,969 in the number of offences reported under the Indian Penal Code. This was mainly in cases of Hurt (952), Theft (256), Mischief (116), Criminal trespass (331), and Criminal force and assault (209). On the other hand there was a decline in the number of cases of a more serious nature.

7. Hurt cases increased in nine districts out of twelve, the principal increase being in Fyzabad (402), Gonda (233), and Partabgarh (177). The rise in the number of cases of violence against the person is attributed by one District Magistrate to the fact that 1906 was a more prosperous year than 1905; he considers that there are more of these offences in times of prosperity.

8. Theft cases increased in eight districts, and cases of mischief in nine districts, and cases of criminal trespass were more numerous in nearly all the districts during the year under report.

9. As regards Special and Local Acts there was a considerable decrease in the number of cases reported, the figures being 2,788 as against 3,421 in the previous year. The decline is most marked in Lucknow, Fyzabad and Gonda.

10. The decrease in the number of cases reported under the Sanitation Act was not large for the whole province, but in Bara Banki it amounted to 207. This is said to be due to the fact that the Act had been over-enforced in the previous year and that it was found necessary to limit the number of prosecutions in consequence.

11. Out of 45,283 offences reported 32,845 were returned as true as against 32,210 out of 44,806 during 1905. The principal decrease was in Lucknow.

12. The percentage of cases dismissed under section 203, Criminal Procedure Code, rose from 26·86 to 28·77 for the province. The district figures vary from 34·44 in Sultanpur to 21·97 in Fyzabad. The percentage in Bahraich dropped from 28·96 to 25·87, and this is due to the fact that some 3rd class Magistrates in that district were under the impression that they had no power to dismiss complaints under section 203, Criminal Procedure Code. In Unao the same impression prevailed, but the District Magistrate subsequently issued orders correcting the mistake.

13. Nineteen European British subjects came up for trial during the year under report as against 38 in the previous year. Of these 6 were convicted as against 23 in 1905 and the rest were either acquitted or discharged. 18 persons were tried by Magistrates and 1 by the Sessions Judge of Lucknow.

Judicial Statement No. IIA.

14. Under the head of "Miscellaneous proceedings" there were 2,560 cases during the year as against 2,709. The number of persons concerned was reduced from 6,419 to 5,344 and the number of persons convicted from 3,900 to 3,456.

Judicial Statement No. III.

15. There were only 3 cases under chapter VI-C and section 485 of the Code of Criminal Procedure during the year under report. The figures are much smaller than those of the previous year which after the submission of the report were found to have been reported to this Court incorrectly.

16. Security for preventing a breach of the peace was taken from 1,095 persons as against 1,550 and for good behaviour from 1,049 persons as against 1,501 in the year 1905. The District Magistrate of Bara Banki reports that the number of prosecutions of the latter description was kept down and Police officers were directed to endeavour to work out cases of definite crime instead of resorting to the less direct procedure. From the cases which have come before me I find that some Magistrates consider that the Code justifies the reception of what cannot by any possibility be regarded as evidence and have the vaguest notions as to the meaning of 'evidence of general repute.' On the whole, however, I think there has been some improvement in the trial of these cases.

17. Prosecutions under chapter X appear to have been more successful than in the previous year as out of 884 persons concerned 668 were convicted and 167 were discharged. In 1905 out of 643 only 175 were convicted.

18. As regards chapter XII, which relates to disputes regarding immoveable property, there were 88 cases in which 261 persons were concerned. Orders were passed against 168 persons under section 147, Criminal Procedure Code. I invite special attention to these figures as it has been supposed in some quarters that much time is wasted by Magistrates over cases of this description. This certainly cannot be said of Oudh.

19. The number of persons dealt with under section 250, Code of Criminal Procedure, was 223 as against 225 in 1905. 197 persons were ordered to pay fines as against 220. The fines imposed amounted to Rs. 1,986-8-0 as against Rs. 2,295-4-0. District Magistrates appear to have impressed upon their subordinates the desirability of a more extensive use of the section.

20 In the Courts of Magistrates 64,557 persons were dealt with during the year as against 61,152 in the previous year, and 1,155 persons as against 1,200 remained under trial at the close of the year under report.

Judicial Statement No. IV.

21. The percentage of convictions in the Courts of Magistrates dropped from 44·3 to 37·8 during the year. It rose slightly in Rae Bareli and Partabgarh, was stationary in Bahraich, and fell in the remaining districts in the province. The fluctuations are not so marked as in the previous year, but they are still remarkable. The explanation usually offered is that Subordinate Magistrates do not make proper use of section 203, Criminal Procedure Code.

Lucknow still returns the highest (57·9) and Partabgarh the lowest (24·1) average.

22. The number of persons under trial in the Courts of Session was 1,114 as against 1,166, and out of these the cases of 1,031 persons were disposed of as against 1,066 in the previous year. The percentage of convictions rose from 57·6 to 62·5.

23. The Honorary Magistrates disposed of 4,081 cases as against 2,394 and Bench Magistrates decided 4,328 cases as against 4,639. Very little work was done by the Honorary Magistrates in Sitapur district, and two of them, Thakur Rameshar Bakhsh Singh and Thakur Harihar Bakhsh Singh, have done

no work during the last two years. The powers exercised by the former were withdrawn with effect from 22nd October 1906.

R. Rudra Partab Sahi in Sultanpur has not exercised the powers conferred on him for some years past.

The Honorary Magistrates in Lucknow are said to have done excellent work and the same remark applies to M. Khalil-ullah Khan in Kheri.

The District Magistrate of Hardoi does not appear to have been satisfied with the work of the Honorary Magistrates in his district.

Chaudhri Mahendra Singh's work in Unao is said to have been satisfactory and he decided no less than 472 cases.

B. Indra Dat Singh appears to have done much useful work in Fyzabad. He disposed of the largest number of cases in the province (495).

The character of the work done by B. Raghuraj Singh, Sultanpur, who decided 292 cases is reported to be excellent. Out of the 17 appeals preferred from his decisions only four were successful.

R. Partab Bahadur Singh and R. Rampal Singh in Partabgarh decided 274 and 232 cases respectively. The District Magistrate considers that the former tried his cases very patiently.

Bench Magistrates in Bahraich disposed of 269 cases.

24. The provincial average duration of cases in the Courts of Magistrates was practically the same as in the previous year. It was lowest in Rae Bareli and Lucknow and highest in Bahraich and Hardoi. It varies from 5·01 days in Rae Bareli to 12·83 days in Hardoi.

The high average duration in Hardoi is attributed to an abnormal amount of work in the district; the Honorary Magistrates are also said to have contributed to it to a large extent. The average duration in Bara Banki rose from 10· to 11·07. The District Magistrate attributes it to frequent transfers of officers, and the Sessions Judge of Lucknow thinks that the Magisterial staff of the district should be strengthened.

It is satisfactory to note that the duration in Unao fell from 12·16 to 9·4.

The duration in Gonda is practically the same as in the previous year, being 10·08 against 10·7. The Deputy Commissioner attributes it partly to the district being undermanned, partly to unnecessary adjournments and partly to the practice of taking up new cases before disposing of cases already partly heard. There is a tendency among Deputy Magistrates to take up new Police cases instead of finishing other part heard cases. The District Magistrate of Sultanpur is probably right in suggesting that this is due to a belief that a Magistrate's work is judged by his conduct of Police cases only.

25. The average duration of trials in the Courts of Session fell from 36·18 to 32·25. The figures vary from 20·6 to 38·71.

26. In previous years in reporting the number of cases pending over six weeks it has been the custom to notice only those cases which were still pending at the close of the year. This was unsatisfactory on the face of it and the Subordinate Courts have been directed to give the figures for all cases which were pending for more than six weeks at any time during the year under report. The total numbers for the year are consequently much higher than usual.

There were 1,206 cases pending for more than six weeks in the Courts of Magistrates in the Province. Gonda returns the largest (260) and Sitapur the smallest number (24). There were more than 100 such cases in Bara Banki, Hardoi, Bahraich, Fyzabad and Unao, most of them, as far as can be seen from the returns, being in the Courts of Deputy Magistrates and Tahsildars. One Deputy Magistrate in Bara Banki had as many as 57 such cases in his Court.

In the Courts of Session there were 111 such cases, the largest number being in Hardoi (33).

27. 97,567 witnesses were sent up as against 97,541 in 1905. 91,289 were examined as against 91,970. The figures are probably not above suspicion, as some districts return all witnesses called as having been examined, which is on the face of it impossible.

Out of 91,289 witnesses examined, 3,694 only were detained beyond the second day. 11 witnesses in Bara Banki and 5 in Sitapur were detained for more than a week in the Courts of Magistrates.

12 witnesses were detained for more than a week in the Court of Session at Lucknow.

28. 942 fewer persons were ordered to give security for keeping the peace or for being of good behaviour.

Judicial Statement No. V.

29. Fines were imposed on 14,666 as against 16,923 persons during the previous year. The total amount of fines imposed during the year by Magistrates amounted to Rs. 85,000 (as against Rs. 83,600) of which Rs. 75,226 were realized as against Rs. 74,026. In the Courts of Session fines imposed amounted to Rs. 9,260 out of which Rs 383 only were realized. This is not satisfactory. Much more attention should be paid to the question of the probability or improbability of realization.

Rupees 11,319 (as against Rs. 12,089) were paid by way of compensation to complainants.

30. The total number of sentences of whipping was 1,815 as against 1,840. The percentage of whippings as compared with other punishments was 36·72 as against 36·68 in the previous year.

31. 3 juvenile offenders were sent to a Reformatory School by the Magistrates and 1 by the Sessions Judge of Gonda as against 5 in all in the previous year.

32. District Magistrates and Sessions Judges frequently complain of the lack of discretion shown by Subordinate Magistrates in the matter of sentences. The District Magistrate of Kheri (Mr. Fremantle) reports in this connection that he has directed the Magistrates under him to be guided to some extent by the wishes of the complainant in family cases and petty offences against property, a procedure which might perhaps be imitated with advantage elsewhere.

33. The number of appeals increased slightly during the year. The increase is general, but is more marked in the Courts of Session than in the Courts of Magistrates.

Judicial Statement No. VI.

Out of 4,671 appeals before the Courts in the Province, 1,122 were rejected summarily and in 2,306 cases the orders of the first Courts were confirmed.

The average duration fell from 13·88 to 12·90.

34. Appeals by 472 persons and 2 on behalf of Government, in which 8 persons were concerned, came up for disposal before this Court. Out of the appeals by prisoners 338 were dismissed, 60 reversed, 56 modified and 18 remained pending at the close of the year.

Judicial Commissioner's Court.

Both the appeals on behalf of Government were dismissed.

There were 273 cases for revision out of which 257 were disposed of and 16 remained pending at the close of the year. It was found necessary to interfere in 110 cases.

Out of 54 capital sentences referred to the High Court for confirmation 35 were confirmed, 6 altered to transportation for life, 12 set aside and 1 reduced to imprisonment.

35. The average duration was 16·87 days in appeals by accused persons, 9·2 days in applications for revision and 11·12 days in appeals by Government.

36. This statement shows to what extent the orders of Sessions Judges were modified on appeal. The percentage of cases in which the decisions of the lower courts was modified is highest in Hardoi (33·69) and lowest in Sitapur (8·23). The largest number of appeals came up from Hardoi, Sitapur and Gonda.

Statement E.

37. Several District Magistrates complain that their staff was undermanned during the whole or part of the year under review, and I have again to observe that the rent work done by Deputy and Assistant Magistrates as Assistant Collectors under the Rent Act too often bears traces of great haste due I have no doubt in a great measure to the press of criminal work. I am strongly of opinion that every officer exercising both Criminal and Revenue or Rent powers should be required to keep *at least* one day in the week and more, if necessary, for his Revenue or Rent work. Instances are constantly coming to my notice of suits for rent, and particularly suits for profits (which are often very troublesome) being adjourned time after time on account of the press of criminal work.

LUCKNOW:
The 5th August 1907.

E. CHAMIER,
Judicial Commissioner, Oudh.

Accompaniments.

Imperial Returns Nos. I, II, IIA, III, IV, V, VA, VI and XIII; and Provincial Tables A, B, C, D, E, and F.

[Maximum number of pages of the Report (excluding statistics) as fixed by the Government of India—10.]

IMPERIAL RETURN No. I—(CRIMINAL).

Showing the number of Judicial Divisions and the number of Officers exercising Original and Appellate jurisdiction in the Province of Oudh during the year 1906.

Name of Province.	Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Judges of Chief Court of Province.	Total number of officers exercising original or appellate jurisdiction.				Total number of cases decided.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.		
						Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts.	Original.		Appellate.						
										Regular.	Miscellaneous.	Regular.	Miscellaneous.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17		
														Rs. a. p.	Rs. a. p.	Grades of Judicial Officers.	Europeans.	Natives.
Territory subject to the Judicial Commissioner of Oudh.	23,992 sq. m.	12,833,077	6	12	3	8*	12	53	159	33,406	2,542	3,331	1,121	18,60,688-1-10	23,89,869-6-11	Officers exercising both original and appellate jurisdiction. — Judicial Commissioners.	3	...
																Officers exercising both original and appellate jurisdiction. — District and Sessions Judges.	5	1
																Officers exercising both original and appellate jurisdiction. — Assistant Sessons Judges.	1	1
																Officers exercising both original and appellate jurisdiction. — Deputy Commissioners.	12	....
																Officers exercising original jurisdiction only. — Assistant Commissioners.	14	...
																Officers exercising original jurisdiction only. — Deputy Collector, City and Cantonment Magistrate.	2	34
																Officers exercising original jurisdiction only. — Deputy Collector, City and Cantonment Magistrate.	3	....
																Officers exercising original jurisdiction only. — Tahsildars ...	...	43
																Officers exercising original jurisdiction only. — Honorary Magistrates.	...	116
Total for 1905	...	...	...	...	3	8	12	57	156	32,800	2,649	3,116	977	...	...			

* Includes two Assistant Sessions Judges.

For Home and Agricultural Departments.

	Europeans.	Natives.
Judicial Commissioners	3	...
District and Sessions Judges	5	1
Assistant Sessions Judges	1	1
Deputy Commissioners	12	...
Assistant Commissioners	14	...
Deputy Collectors	2	34
City Magistrates	1	...
Cantonment Magistrates	2	...
Tahsildars	...	43
Honorary Magistrates	...	116

NOTE.—The figures in columns 15 and 16 relate to the receipts and charges respectively of all the Courts in the Province of Oudh—Civil, Criminal and Revenue—combined in one total. The Accountant-General and the Commissioner of Stamps, United Provinces, were unable to furnish the figures relating to stamp-paper supplied from Central Stores.

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted, and acquitted of each class of offence in the Province of Oudh, during the year 1906.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Offences against the public tranquillity, chapter VIII, Indian Penal Code.	601	415	432	2,252	761	1,376	4	111
Offences by or relating to public servants, chapter IX, Indian Penal Code.	75	24	25	44	24	16	...	4
Contempt of the lawful authority of public servants, chapter X, Indian Penal Code.	445	404	423	662	247	403	3	9
False evidence and offences against public justice, chapter XI, Indian Penal Code.	386	328	332	513	241	260	...	12
Offences relating to coin... } chapter XII, Offences relating to Government Stamps ... } Indian Penal Code.	38	38	39	49	16	26	...	7
	1	1	1	1	1	...	...	...
Offences relating to weights and measures, chapter XIII, Indian Penal Code.	21	19	19	22	6	16	...	...
Offences affecting the public health, &c., chapter XIV, Indian Penal Code.	341	319	320	497	99	395	...	3
Offences relating to religion, chapter XV, Indian Penal Code.	99	33	35	77	49	26	...	2
Offences affecting the human body, chapter XVI, Indian Penal Code. — Offences affecting life ...	529	494	509	729	243	435	3	48
Causing miscarriage, injury to unborn children, exposure of infants and the concealment of births.	42	36	39	45	12	32	...	1
Hurt	13,061	9,097	9,253	20,885	18,051	2,464	11	359
Wrongful restraint and wrongful confinement.	326	119	121	276	229	27	...	20
Criminal force and assault ...	2,217	1,363	1,385	3,231	2,716	425	1	89
Kidnapping or forcible abduction, slavery, forced labour and buying or selling a minor for the purpose of prostitution.	169	74	77	129	83	41	1	4
Rape	83	53	57	62	26	31	...	5
Unnatural offence ...	34	28	29	30	4	25	...	1
Offences against property, chapter XVII, Indian Penal Code. — Theft	3,817	3,022	3,072	4,336	1,253	2,980	10	93
Extortion	194	32	36	63	46	7	...	10
Robbery and dacoity ...	226	117	128	391	182	177.	...	32
Criminal misappropriation of property.	84	48	48	75	46	28	...	1
Criminal breach of trust ...	356	156	160	180	81	90	1	8
Receiving stolen property ...	565	551	573	757	160	579	3	15
Cheating	394	143	153	216	95	106	2	13
Fraudulent deeds and disposition of property.	16	12	12	25	20	4	...	1
Mischief	1,748	1,098	1,120	2,513	2,031	444	...	38
Criminal trespass	4,619	3,294	3,346	5,995	3,684	2,189	9	113
Offences relating to documents and to trade and property marks, chapter XVIII, Indian Penal Code.	51	27	29	48	20	21	2	5
Criminal breach of contract of service, chapter XIX, Indian Penal Code.	2	2	2	10	10	...	...	...
Offences relating to marriage, chapter XX, Indian Penal Code.	1,546	677	699	869	740	102	6	21
Defamation, chapter XXI, Indian Penal Code.	549	150	151	253	231	15	1	6
Criminal intimidation, insult and annoyance, chapter XXII, Indian Penal Code.	384	131	134	260	219	41	...	...
Total under the Indian Penal Code. 1906	33,019	22,305	22,763	45,495	31,626	12,781	57	1,031
1905	31,050	20,203	20,642	39,300	25,708	12,472	82	1,038

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted, and acquitted of each class of offence in the Province of Oudh, during the year 1906—(concluded).

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Code of Criminal Procedure, 1898, sections 107, 112 to 119. Security for keeping the peace.	1,209	485	504	1,865	735	1,095	1	34
Code of Criminal Procedure, 1898, sections 109, 110, 112 and 119. Security for good behaviour.	644	574	590	1,235	153	1,049	5	28
Special and Local Laws.								
Arms Acts, XI of 1878 and XI of 1882...	72	72	76	82	25	56	...	1
Cantonments Act, XIII of 1889 ...	384	381	381	663	144	519	...	...
Cattle Trespass Act, I of 1871 (amended by Act I of 1891).	2,733	2,090	2,111	5,712	4,936	727	1	48
Contract workmen (Breaches of contract) Act, XIII of 1859.	5	5	5	8	8	...	...	...
Criminal tribes and eunuchs, Act XXVII of 1871 (amended by Act II of 1897).	134	134	136	138	4	132	...	2
Cruelty to animals Act, XI of 1890 ...	89	89	89	133	24	109	...	...
Emigration Act, XXI of 1883 (amended by Acts XVIII of 1890, VII of 1893 and I of 1896).	2	2	2	4	...	4	...	...
Excise on spirits and drugs Act, XII of 1891.	199	199	203	248	41	203	...	4
Ferries Act, XVII of 1878 (amended by Act III of 1886).	28	25	29	66	43	23	...	...
Forests Act, VIII of 1878 (amended by Act V of 1890.)	28	28	28	60	8	52	...	...
Gaming and lotteries Act, III of 1867 ...	78	78	80	412	58	353	...	1
Hackney carriages Act, XIV of 1879 ...	253	243	246	443	139	301	2	1
Municipal Bye-laws Act, I of 1900 ...	2,788	2,639	2,653	3,045	699	2,322	1	23
Opium Act, I of 1878	105	103	103	110	35	74	...	1
Opium cultivation Act, XIII of 1857 ...	1	1	1	1	...	1	...	...
Paper currency Act, XXI of 1882 (amended by Act VIII of 1893 and XXI of 1896).	1	1	1	1	...	1	...	...
Police district Act, V of 1861 ...	2,317	2,312	2,315	3,320	244	3,070	...	6
Post office Act, VI of 1898	2	2	2	2	...	2	...	...
Prisons Act, IX of 1894 (amended by Act XIII of 1898).	1	1	3	3	...	3	...	...
Railways Act, IX of 1890 (amended by Act IX of 1896).	260	251	255	384	55	322	1	6
Registration Act, III of 1877 (amended by Act II of 1886).	3	3	4	13	7	3	...	3
Salt and saltpetre Act, XII of 1882 ...	26	26	26	30	1	28	...	1
Sanitation Act, III of 1892 (North Western Provinces and Oudh).	600	600	600	962	90	862	2	8
Stage coaches Act, XVI of 1861 (amended by Act I of 1898).	96	96	96	118	17	64	...	37
Sarais and paraos Act, XXII of 1867 ...	1	1	1	1	1	...	...	...
Stamps Act, II of 1899	75	75	76	89	7	78	1	3
Treasure trove Act, VI of 1878 ..	5	5	5	8	1	7	...	...
Vaccination Act, XIII of 1880 and I of 1892.	123	17	17	18	16	2	...	...
Village Police Act, XVIII of 1876 ...	2	2	2	4	...	4	...	...
Total under the Code of Criminal Procedure, 1898, and under Special and Local Laws. 1906	12,264	10,540	10,640	19,178	7,491	11,466	14	207
1905	13,756	12,007	12,165	21,906	6,903	14,727	14	262
GRAND TOTAL ... 1906	45,283	32,845	33,399	64,673	39,117	24,247	71	1,238
1905	44,806	32,210	32,807	61,206	32,611	27,199	96	1,300

JUDICIAL STATEMENT

Showing the general result of the trial of European British

Description of offence.		Persons whose cases were disposed of—										
		By District Magistrates and other 1st class Magistrates.				By Courts of Session.			By High Court.		Total for all courts.	
		Convicted.	Acquitted or discharged.	Committed		Convicted.	Acquitted or discharged.	Transferred to High Court under section 449(2) o the Code.	Convicted.	Acquitted.	Convicted.	Acquitted or discharged.
				To Courts of Session.	To High Court.							
1		2	3	4	5	6	7	8	9	10	11	12
Offences affecting the human body, Chapter XVI, I. P. C.	Hurt ...	1	7	...	...	...	...	...	...	...	1	7
	Criminal force and assault.	...	1	...	...	...	...	...	...	...	...	1
Offences against property, Chapter XVII, I. P. C.	Criminal breach of trust.	...	...	2	...	1	...	...	...	...	3	...
	Cheating ...	...	2	...	...	...	...	...	...	...	...	2
	Criminal trespass.	1	...	...	...	...	...	...	...	...	1	...
Offences against documents, &c., Chapter XVIII, I. P. C.	Forgery or uttering or possessing forged documents or papers.	1	2	...	...	...	...	...	...	...	1	2
Code of Criminal Procedure, section 107.	Security for keeping the peace.	...	1	...	...	...	...	...	...	...	...	1
Total ...	1906 ...	3	13	2	...	1	...	...	...	...	6	13
	1905 ...	19	13	2	...	3	1	...	...	...	23	15

No. IIA—(CRIMINAL.)

subjects in the Province of Oudh during the year 1906.

Of the total number of persons shown in—										
Columns 2 to 5.			Columns 6 to 8.		Columns 6 to 10.		Columns 11 to 12. Number whose cases were disposed of by—			
							Magistrates.		Sessions Judges.	
Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	Number of those in column 13 whose cases were transferred under section 451(19) of the Code.	Number who claimed a mixed number of assessors, section 450 (2) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury, section 450 (1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
13	14	15	16	17	18	19	20	21	22	23
...	8	...	...	...	...	...	4	4	...	...
...	1	...	...	...	...	...	1	...	...	...
...	2	...	...	1	...	...	2	...	1	...
...	2	...	...	...	...	...	2	...	...	...
...	1	...	...	...	...	...	...	1	...	...
...	3	...	...	...	...	...	...	3	...	...
...	1	...	...	...	...	...	1	...	...	...
...	18	...	...	1	...	...	10	8	1	...
1	33	...	1	3	...	...	29	5	4	...

IMPERIAL RETURN No. III—(CRIMINAL).

Miscellaneous proceedings under the Criminal Procedure Code in the Province of Oudh during the year 1906.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.
1	2	3	4	5
1. Proceedings against witnesses under chapter VI—C and section 485 of chapter XXXII.	3	5	...	5
2. Proceedings under chapter VIII—to prevent breach of the peace.	504	1,865	735	1,095
3. Proceedings under chapter VIII—security for good behaviour.	590	1,235	153	1,049
4. Proceedings against local nuisances, chapter X ...	377	884	167	668
5. Possession, chapter XII	88	261	90	168
6. Frivolous or vexatious accusations summarily dealt with under chapter XX, section 250.	190	223	26	197
7. Non-attendance of jurors and assessors, chapter XXIII, section 332.	30	30	18	10
8. Maintenance, chapter XXXVI	620	620	493	116
9. Forfeiture of bail or recognisance under chapter XLII.	99	160	60	94
10. Proceedings under chapter XLVI, section 563, against convicted offenders released under section 562.	59	61	7	54
Total ... 1906 ...	2,560	5,344	1,749	3,456
Total ... 1905 ...	2,709	6,419	2,266	3,900

IMPERIAL RETURN No. IV—(CRIMINAL).

Showing the general result of criminal trials in the tribunals of various classes in the Province of Oudh during the year 1906.

Class of courts.	Total number of persons under trial.	Persons whose cases were disposed of—											Persons remaining under trial at the close of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.
		Died, escaped or transferred to another province.	Discharged or acquitted.	Convicted.								Committed or referred.				
				On regular trial.				On summary trial.								
				Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.		Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.						
						Discharged after admonition	Delivered to parent or guardian.			Discharged after admonition	Delivered to parent or guardian.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Subordinate Magistrates. Special Magistrates under section 14.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Honorary Magistrates sitting singly.	9,601	7	7,940	1,416	...	...	...	...	...	...	...	...	238	4,081	9·52	7,415
Stipendiary Magistrates sitting singly.	47,854	60	27,818	14,310	127	9	2	3,590	79	8	3	983	865	24,146	9·66	73,730
Benches of Magistrates.	6,268	2	2,829	2,567	...	...	...	826	...	...	...	...	44	4,328	6·97	4,030
District and Divisional Magistrates' cases referred under sections 347/349, Criminal Procedure Code.	410	...	21	335	43	2	2	3	...	...	...	1	3	74	4·36	60
Chief Magistrates of districts.	382	...	124	142	1	...	1	93	2	...	...	14	5	202	9·65	848
Deputy Commissioners under section 30, Act V of 1898.	42	...	1	41	...	...	...	...	...	...	...	...	...	37	23·51	165
Total of Magistracy. 1906	64,557	69	38,733	18,811	171	11	5	4,512	81	8	3	998	1,155	32,868	9·29	86,248
Total of Magistracy. 1905	61,152	90	32,166	20,335	124	2	7	6,036	61	14	5	1,112	1,200	32,266	9·12	86,920
Sessions Judges. 1906	1,114	2	384	645	...	...	...	...	...	...	..	...	83	538	32·25	5,041
Sessions Judges. 1905	1,166	6	445	614	...	1	...	...	...	...	...	...	100	534	36·18	5,050

IMPERIAL RETURN No. V—(CRIMINAL).

Showing punishments inflicted by the various Criminal Tribunals in the Province of Oudh during the year 1906.

Class of Courts.	Persons sentenced to—							Persons ordered to find or give security or recognizance to keep the peace or security for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishments.															Number of boys whose sentences were commuted to detention in a Reformatory school.
				Imprisonment.						Fine.									Imprisonment.					Whipping			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.			Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes.	20 stripes.	30 stripes.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs.	Rs.	Rs.									
Subordinate Magistrates. Special Magistrates.	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Honorary Magistrates sitting singly.	...	...	...	367	42	...	1,107	...	...	...	1,002	105	..	...	...	...	5,835	5,584	754	210	199	...	...	...	...	...	...	...
Stipendiary Magistrates sitting singly.	...	...	...	4,713	352	...	10,100	1,537	2,154	1,119	8,791	1,196	89	21	3	...	67,337	63,352	9,770	969	2,772	1,323	1	...	318	947	272	2
Benches of Magistrates.	..	...	..	57	6	...	3,341	...	...	...	3,291	50	...	...	...	...	5,419	5,306	342	37	26	...	...	...	...	...	...	...
District and Divisional Magistrates—cases referred under sections 347/349, Criminal Procedure Code.	...	...	...	63	9	...	8	237	21	...	7	...	...	1	...	...	245	45	...	19	29	24	...	...	137	88	12	...
Chief Magistrates of districts.	...	...	..	97	7	...	89	26	28	5	63	22	3	1	...	...	1,164	939	70	16	44	35	9	...	2	19	5	1
Deputy Commissioners under section 30, Act V of 1898.	...	...	...	40	...	...	7	3	...	...	...	4	...	...	1	2	5,000	...	130	...	4	3	33	...	...	1	2	...
Courts of Session...	53	65	...	522	6	...	14	12	...	8	2	6	4	1	...	1	9,260	383	253	6	42	110	338	41	...	4	8	1
Total... 1906	53	65	...	5,859	422	...	14,666	1,815	2,203	1,132	13,156	1,383	96	24	4	3	94,260	75,609	11,319	1,257	3,116	1,495	381	41	457	1,059	299	4
Total... 1905	40	77	...	5,807	409	...	16,923	1,840	3,145	1,417	15,309	1,542	52	15	4	1	90,070	74,226	12,089	1,029	3,325	1,491	351	20	476	1,006	358	5

JUDICIAL STATEMENT No. VA—(CRIMINAL).

PART I.

Showing the particulars of whippings inflicted by the Criminal Tribunals in the Province of Oudh during the year 1906.

Showing whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other punishments.

Offences for which awarded.	Number of persons awarded.			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
1	2	3	4	5
IN LIEU OF OTHER PUNISHMENTS. (SECTIONS 2 AND 3, ACT VI OF 1864).				
1. Theft as defined in sections 378 to 382, Indian Penal Code.	324	465	87	876
2. Voluntarily causing hurt, as defined in section 324, Indian Penal Code.	1	...	...	1
3. Assault or criminal force to a woman with intent to outrage her modesty, as defined in section 354, Indian Penal Code.	3	2	...	5
4. Rape, as defined in section 376, Indian Penal Code	...	2	2	4
5. Unnatural offence, as defined in section 377, Indian Penal Code.	...	1	...	1
6. Extortion, as defined in sections 388 and 389, Indian Penal Code.	...	5	...	5
7. Criminal breach of trust, as defined in section 408, Indian Penal Code.	...	1	...	1
8. Dishonestly receiving stolen property, as defined in sections 411 and 412, Indian Penal Code.	24	82	38	144
9. Cheating and dishonest disposal of property, as defined in section 420, Indian Penal Code.	...	1	...	1
10. Lurking house-trespass by night as defined in section 445, Indian Penal Code.	7	16	2	25
11. House-breaking as defined in section 445, Indian Penal Code.	1	8	...	9
12. House-breaking by night, as defined in section 446, Indian Penal Code.	25	53	10	88
13. Lurking house-trespass as defined in section 454, Indian Penal Code.	18	64	8	90
14. Lurking house-trespass by night, as defined in section 457, Indian Penal Code.	43	250	92	385
15. Offences under the Railway Act, IX of 1890 ...	...	1	...	1
16. Offences under section 19, Act XXVII of 1871...	...	2	...	2
17. Offences under section 19, Act VII of 1894 ...	3	19	3	25
On 1st conviction	445	952	227	1,624
On reconviction	4	20	15	39
Total ... 1906 ...	449	972	242	1,663
Total ... 1905 ...	466	903	279	1,648

IMPERIAL RETURN No. VA—(CRIMINAL).

PART II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864.

Offences for which awarded.	Number of persons awarded.			
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	Total.
1	2	3	4	5
In addition to other punishments.				
(SECTIONS 3 AND 4.)				
A.—Section 3.				
1. Theft, as defined in sections 378 to 382, Indian Penal Code	...	28	22	50
2. Dishonestly receiving stolen property, as defined in sections 411 and 412, Indian Penal Code.	...	8	3	11
3. Lurking house-trespass, as defined in section 443, Indian Penal Code	...	1	...	1
4. House-breaking by night, as defined in section 446, Indian Penal Code	...	3	2	5
5. Lurking house-trespass or house-breaking, as defined in section 454, Indian Penal Code ...	...	1	3	4
6. Lurking house-trespass or house-breaking by night, as defined in section 457, Indian Penal Code	...	14	13	27
7. Offences under section 19, Act XXVII of 1871	1	26	12	39
B.—Section 4.				
1. Unnatural offence, as defined in section 377, Indian Penal Code	...	...	1	1
Total ... 1906 ...	1	81	56	138
Total ... 1905 ...	5	54	70	129

JUDICIAL STATEMENT No. VA—(CRIMINAL).

PART III.

Showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in parts I and II.

Offences.	Number of persons awarded.			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
1	2	3	4	5
1. False evidence, as defined in section 193, Indian Penal Code...	...	1	...	1
2. Attempt to commit suicide, as defined in section 309, Indian Penal Code	...	1	...	1
3. Voluntarily causing hurt, as defined in section 323, Indian Penal Code	1	...	...	1
4. Using criminal force otherwise than on grave provocation, as defined in section 352, Indian Penal Code	...	1	...	1
5. Rape, as defined in section 376, Indian Penal Code	...	...	1	1
6. Unnatural offence, as defined in section 377, Indian Penal Code	...	1	...	1
7. Theft, as defined in section 378, Indian Penal Code	1	...	...	1
8. Theft by a clerk or servant of property in possession of master, as defined in section 381, Indian Penal Code	1	...	...	1
9. Mischief by killing or maiming cattle, &c., as defined in section 429, Indian Penal Code	1	...	...	1
10. Mischief by fire or explosive substance with intent to destroy a house, &c., as defined in section 436, Indian Penal Code	...	1	...	1
11. Offences under Act IX of 1890	3	1	...	4
On 1st conviction	7	6	1	14
On re-conviction	...	...	...	...
Total ... 1906 ...	7	6	1	14
Total ... 1905 ...	12	44	7	63

JUDICIAL STATEMENT No. VA—(CRIMINAL).

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments.

Punishments.	Number.
1	2
1. Total number of whippings awarded	1,815
2. Total number of other punishments in cases in which whipping might have been awarded	3,124
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)	4,939
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3)	36·72

IMPERIAL RETURN No. VI—(CRIMINAL).

Showing the result of Appeals and Revisions in Criminal cases in the Province of Oudh during the year 1906.

Tribunals.	Total number of appellants or applicants before the Courts.	Number of persons— Died, escaped or transferred to another province.	Appeals or applications rejected.	Sentences or orders confirmed.	Sentences enhanced.	Sentences reduced or otherwise altered.	Sentences reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to High Court.	Pending trial.	Average number of days each appeal lasted.	Number of persons dealt with under— Section 106 (3), Criminal Procedure Code.	Section 8, clause 2 of the Reformatory Schools Act.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Appeals.															
To Chief Magistrates of Districts.	1,984	1	96	1,282	...	151	356	6	15	4	73	13·02	7	...	
To Sessions Court ...	2,207	2	927	777	...	226	210	1	15	1	48	11·44	...	...	
Superior Courts. By persons convicted.	472	...	99	239	...	56	60	...	...	...	18	16·87	...	...	
Superior Courts. By Government.	8	...	...	8	...	...	...	...	...	...	...	11·12	...	...	
Total 1906 ...	4,671	3	1,122	2,306	...	433	626	7	30	5	139	12·90	7	...	
Total 1905 ...	4,331	12	799	2,117	16	533	682	10	31	5	126	13·88	2	8	
Revisions.															Applications by complainants against accused.
By Chief Magistrates of Districts.	237	...	429	496	1	15	42	2	203	12	25	11·11	...	...	417 „ 418 „ 988
By Courts of Session ...	491	3	337	446	...	...	7	7	114	140	22	15·55	...	...	167 „ 210 „ 585
By Superior Courts ...	300	...	97	76	...	51	93	...	...	...	41	9·2	...	...	18 „ 19 „ 58
Total 1906 ...	1,028	3	863	1,018	1	66	142	9	317	152	88	13·66	...	...	602 „ 647 „ 1,631
Total 1905 ...	765	...	859	922	...	37	115	14	178	60	70	13·96	...	...	522 „ 571 „ 1,490

IMPERIAL RETURN No. XIII—(CRIMINAL).

Showing the use of jurors and assessors in the Criminal Courts in the Province of Oudh during the year 1906.

Class of courts in which Assessors are employed distinguishing criminal from civil courts.	Established or average number of Jurors or Assessors in each case and prescribed qualifications.	Number of cases tried by Jury.	Number of cases with Assessors.	Jury trials.					Assessors' trials.		
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved.		Number of cases in which the Judge agreed with Assessors.	Number of cases in which the Judge differed from—	
					Wholly.	Partially.	Whose cases he referred under section 307, Criminal Procedure Code.	Whose cases he did not refer under section 364, Criminal Procedure Code.		One Assessor.	Both Assessors.
1	2	3	4	5	6	7	8	9	10	11	12
Sessions Judge, Lucknow ...	5	34	55	31	2	1	2	1	42	3	10
,, ,, Sitapur ...	2	...	131	...	...	...	...	...	78	19	34
,, ,, Hardoi ...	2	...	96	...	...	...	...	...	65	6	25
,, ,, Fyzabad ...	3	...	47	...	...	...	...	...	30	2	15
,, ,, Gonda ...	2	...	97	...	...	...	...	...	72	16	9
,, ,, Rae Bareli ...	2	...	59	...	...	...	...	...	44	6	9
Total ... 1906	...	34	485	31	2	1	2	...	331	52	102
Total ... 1905	...	31	472	26	5	...	13	...	351	34	87

NOTE

ON THE

Administration of Criminal Justice

IN THE PROVINCE OF OUDH,

DURING THE CALENDAR YEAR ENDING 31st DECEMBER 1907;

WITH STATEMENTS.

ALLAHABAD:
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1908.

Note on the Administration of Criminal Justice in the Province of Oudh, during the calendar year ending 31st December 1907.

1. THERE was no change in the number or local limits of the Sessions divisions during 1907. An Additional Sessions Judge was appointed in the Lucknow division to try some of the numerous cases of dacoity of the Bara Banki district. The appointment lasted from 22nd July to 10th September and during this time six complicated cases of dacoity and murder relating to the notorious dacoit Patan Din were decided. The work at Bara Banki continued to be so exceptionally heavy that another Additional Sessions Judge had to be appointed for the Lucknow division from November 19th, 1907. In the Gonda division there was an excess of dacoity cases of a complicated nature and in that judgeship also an Additional Sessions Judge was appointed on 17th October. It would have been impossible for the Judges of Lucknow and Gonda to cope with the work of their divisions without assistance.

Judicial Statement No. I.

The appointment of Assistant Sessions Judge of Lucknow, Fyzabad and Hardoi remained vacant during the year.

2. Magistrates disposed of 34,058 cases in 1907 as against 32,868 in the previous year. There were more Magistrates on duty, but a good deal of the time of many of them must have been taken up with famine work.

Judicial Statement No. II.

There was an increase in the total number of offences during the year under report and in the number of persons brought to trial. This increase occurred both in offences under the Penal Code and the Code of Criminal Procedure and in those under Special and Local Acts, but it was more marked under the former than under the latter.

The following figures will show the variations in the two years:—

	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial.	Number of persons under trial.
Offences under the Penal Code.				
1906 ...	33,019	22,305	22,763	45,495
1907 ...	34,024	23,078	23,498	48,839
Offences under the Code of Criminal Procedure and under Special and Local Acts.				
1906 ...	12,264	10,540	10,640	19,178
1907 ...	12,770	11,065	11,185	19,760
Total offences under the Penal Code as well as under the Code of Criminal Procedure and Special and Local Acts.				
1906 ...	45,283	32,845	33,399	64,673
1907 ...	46,794	34,143	34,683	68,599

Out of 66,887 persons whose cases were disposed of by Magistrates during the year, 23,465 persons were convicted, the percentage being 35 as against 37 in 1906. The percentage of conviction in the Courts of Session rose from 62 to 63.

3. Of the offences under the Penal Code the principal increase was in cases of "hurt (404)," "theft (142)," "robbery and dacoity (221)," "mischief (143)," "criminal trespass (331)," and "offences relating to marriage (137)."

Hurt cases increased in 7 districts and declined in 5. The principal increase was in Fyzabad (239) and Unao (203). Theft cases also increased in 7 and decreased in 5 districts; Bahraich (148), Sitapur (92), Hardoi (55), and Gonda (52) were the districts in which the greatest increase occurred.

The number of cases of robbery and dacoity increased in all districts except Rae Bareli. The principal increase was in Bara Banki (78), Bahraich (34), Gonda (32), Sitapur (23) and Kheri (19). In Bara Banki the number of cases reported was six times more than in the previous year and 261 persons were brought to trial and 212 committed to session as against 43 and 32 respectively in the previous year. This was mainly due to the capture of gangs of dacoits which had made this and the adjoining districts the scene of their operations. In Gonda there were 43 cases of robbery and dacoity as against 11 in the previous year and in

Bahraich 56 as against 22. In these districts this epidemic of violent crime is explained by the prevailing distress. In Kheri and Sitapur the same conditions obtained and the number of cases of robbery and dacoity was about doubled in each case.

In most districts there was a rise in the number of cases of mischief and criminal trespass and this is probably due to the peculiar circumstances of the year.

4. As regards offences under the Special and Local Acts there was an increase of 300 cases under the Municipalities Act, the rise being chiefly in Lucknow and Hardoi. There were also 513 more prosecutions under the Police Act, Lucknow and Rae Bareli being chiefly responsible.

5. The total number of cases disposed of by Sessions Judges was practically the same as in the previous year. The number of persons tried increased from 1,114 to 1,647 and the number of cases committed rose from 525 to 590. The increase was chiefly in Gonda (37) and Lucknow (25). In the other Judgeships there was no great variation. The increase in both cases is due to the abnormally large number of cases of robbery and dacoity in the Bara Banki, Bahraich and Gonda districts.

6. The number of persons ordered to give security for keeping the peace was reduced from 1,095 to 858. On the other hand 1,212 persons, as against 1,049, were bound over to be of good behaviour. In the following districts there was an increase in the number of persons from whom security for good behaviour was demanded:—Lucknow 146 as against 74, Bara Banki 141 as against 26, Kheri 134 as against 87, Unao 158 as against 137, Bahraich 131 as against 49. In other districts the increase was slight, while on the other hand there was a marked decrease in Fyzabad, 132 as against 278, Hardoi 18 as against 64, and Partabgarh 43 as against 72. The reasons for these variations are not given.

7. The percentage of complaints dismissed under section 203, Criminal Procedure Code, fell from 28 to 25. In Lucknow, Bara Banki and Sitapur the figures were the same as in the previous year. In the other districts the fluctuations were slight, those in which a decrease occurred being Hardoi, Fyzabad, Sultanpur, Gonda and Rae Bareli. It is usually said that Magistrates do not make a proper use of sections 202 and 203, Criminal Procedure Code, and as there has been a decline in the number of dismissals in the year under report it would appear that there is ground for complaint, but it is difficult to say, simply by reference to the number of convictions in all classes of cases, whether advantage has been taken to the full of the sections mentioned above. The District Magistrate is the person best qualified to judge whether the Magistrates under him have used their powers as they should do and it lies with him to improve the working of the sections.

8. Twelve European British subjects were under trial before the Courts during the year as against 19 in the previous year. There were two cases against one accused and hence there were 13 cases in all. Out of these 10 resulted in conviction as against 6 in the previous year. Ten cases were tried by Magistrates and three by Sessions Judges.

Judicial Statement No. IIA.

9. As regards disputes as to possession of immoveable property there were 83 cases during the year as against 88 in the previous year. 208 persons were involved as against 261 and orders under section 147 of the Code of Criminal Procedure were passed against 66 persons only as against 168 persons in the previous year. It has been remarked above that there was a considerable decrease in the number of persons ordered to give security for keeping the peace and it would appear probable that the variations in the figures are due simply to the fact that there was not so much necessity for the use of the sections referred to during the year under report.

Judicial Statement No. III.

10. It is satisfactory to note that more effectual use was made of the provisions of Chapter XX of the Code of Criminal Procedure. Action was taken by Magistrates in 212 cases as against 190 and orders to pay compensation under section 250, Code of Criminal Procedure, were passed against 225 persons as against 197. The amount of the fines imposed under the section was Rs. 2,620 as against Rs. 1,986 during the previous year.

11. Section 562 of the Code of Criminal Procedure was applied in the case of 277 persons (as against 252 in 1906 and 185 in 1905). This result appears to be satisfactory as there must always be a large number of cases in which the circumstances make it desirable that Magistrates should avail themselves of the power given to them under this section.

Judicial Statement No. IV.

Action was taken under section 31 of the Reformatory Schools Act, VIII of 1897, in the case of 22 persons only as against 27 in 1906 and 28 in 1905. The figures suggest that more use might be made of this Act, but the reports of District Magistrates throw no light upon the point.

12. There was, as mentioned above, a trifling decline (35 as against 37) in the percentage of persons convicted in Magistrates' Courts in the whole province. Taking the figures by districts the highest percentage was again returned by Lucknow (61) and the lowest again by Partabgarh (23). It is a curious fact that these two districts have shown the highest and lowest percentage of convictions respectively for three years in succession. The percentage rose in Sitapur, Kheri, Bahraich and Rae Bareli and declined in most of the other districts.

I am disposed to think that a Sub-Inspector should be appointed to prosecute in the Courts of Sub-Divisional Magistrates. Magistrates as a rule preserve an impartial attitude, but they do so under difficulties and the absence of a prosecutor gives color to the suggestion that the Magistrate is both prosecutor and judge.

13. The Honorary Magistrates disposed of 4,321 cases as against 4,081 and Bench Magistrates decided 5,064 cases as against 4,328.

The Honorary Magistrates in Lucknow are again said to have done valuable work.

The District Magistrate of Bahraich remarks that much assistance was given to the district staff (which was heavily worked) by the Honorary Magistrates.

The work performed by Honorary Magistrates in the Rae Bareli district, though not considerable in amount except in the case of Raja Rampal Singh, C.I.E., (166 cases), is said to have been satisfactory.

The amount of work disposed of by Raja Partab Bahadur Singh, C.I.E., of Partabgarh district is worthy of notice as he decided more cases (265) than any Deputy Magistrate in the district.

For the second year in succession B. Indra Dat Singh of Fyzabad disposed of more cases (642) than any Honorary Magistrate in the province and the District Magistrate in acknowledging the assistance received from him speaks well of the manner in which the work was done.

Chaudhri Mahendra Singh of Unao decided 520 cases and Saiyid Mohammad Jawwad of Hardoi 227.

The Bench Magistrates in Hardoi accounted for 996 cases, those in Rae Bareli for 941, and those in Lucknow for 917.

It is clear that a great deal of assistance is rendered to the administration by the unpaid tribunals in the province.

14. The number of cases pending for more than six weeks in the Courts of Magistrates decreased from 1,206 to 992 during the year under report and though the figures returned by some districts are still very high, the reduction in the total number of cases is satisfactory considering the fact that in most of the districts a great deal of the time of the staff must have been taken up by famine work.

The districts which show the best results are Gonda (156 as against 260), Unao (27 as against 115), Hardoi (104 as against 156) and Bahraich (87 as against 127). Bara Banki returns the largest number (246) and Sultanpur the smallest (16).

The explanations of delay furnished to this Court indicate that in a large number of cases the failure to arrive at a decision within a reasonable time is due rather to a lack of method than to the difficulties encountered. District Magistrates should from time to time point out to the Magistrates under them the defects in their procedure and should insist on more care being taken to avoid unnecessary adjournments.

The average duration of cases in the Courts of Magistrates throughout the Province was again 9 days. It was lowest in Rae Bareli (4) and highest in

Bahraich (12) as before, but Fyzabad and Partabgarh are equal with Bahraich in the year under report. It rose from 8 to 12 in Partabgarh and from 8 to 10 in Sitapur and fell from 12 to 8 in Hardoi and from 7 to 5 in Sultanpur.

The high average duration in Bara Banki (11days) is said to be due partly to the transfer of officers and partly to dacoity cases in which a large number of witnesses had to be examined.

The high duration in Bahraich is explained by a large number of dacoity and bad livelihood cases in which many witnesses were examined at great length and by the necessity of getting accused persons extradited from Nepal in the former cases. The District Magistrate also remarks that the vicious practice of keeping a number of cases running side by side from day to day instead of taking them up and finishing them *seriatim* contributed to the high average duration.

In several districts the high average is explained by congestion of work on account of famine operations.

The average duration of trials in the Courts of Session rose from 32 to 34 days. It varies from 76 days in the Court of the Additional Sessions Judge of Gonda to 24 days in the Court of the Sessions Judge of Hardoi.

15. The percentage of cases in which solitary confinement was awarded by Magistrates in addition to rigorous imprisonment varies from 46 in Partabgarh to 7 in Rae Bareli. The rise in Partabgarh from 15 to the present high figure appears to be due to the fact that the District Magistrate impressed upon the Magistrates under him the necessity of inflicting this punishment more frequently. Very little use has been made of it during the last two years by the Magistrates in Bara Banki, Sitapur Hardoi, Fyzabad, Sultanpur, Bahraich and Rae Bareli.

Judicial Statement No. V.

16. The total number of whippings awarded during the year decreased from 1,815 to 1,706. The percentage of cases in which this form of punishment was inflicted was reduced from 36·72 to 27·95 for the whole province.

Judicial Statement No. VA, Part IV.

The District Magistrate of Sitapur thinks that whipping should have been more frequently inflicted in cases where the accused had been previously convicted.

In Fyzabad the percentage fell from 32 to 23. The District Magistrate attributes this to the recent agitation against this form of punishment.

17. The total amount of the fines imposed during the year was Rs. 83,115 as against Rs. 94,260 in the previous year. Rs. 72,288 were realized during the year as against Rs. 75,609 during 1906.

Judicial Statement No. V and Table D.

Rs. 10,827 as compared with Rs. 18,651 was the balance unrealized. This is an improvement, but it would appear that fines are imposed in many cases where there is not the slightest hope of realization and this practice should be discouraged.

18. The number of appellants and applicants for revision before the Courts of Session and District Magistrates in the year under report and the previous year is given below :—

Judicial Statement No. VI.

	Before Courts of Session.	Before District Magistrates.
1906	2,698	2,221
1907	2,500	1,983

The percentage of appellants whose convictions were affirmed was stationary (69) in the Courts of Magistrates, declined in the Courts of Session from 77 to 72, and rose in the Judicial Commissioner's Court from 72 to 74.

19. In the Court of the Judicial Commissioner there were 523 appeals and 285 applications for revision as against 435 and 273 in the previous year. Out of the total number of appellants and applicants for revision, numbering 1,000, the orders of the lower Courts were confirmed by the Court in the cases of 763 persons. 499 appeals and 281 applications for revision were disposed of during the year under report while the corresponding figures for the previous year were:—

Appeals	417
Applications for revision	257

20. The witnesses summoned to Magistrates' Courts numbered 91,360, as against 90,849, and those examined by the Courts 86,804 as against 86,248. The number of witnesses discharged after the second day was 2,905 as against 2,924.

Table C.

It was remarked in the last year's report that the figures were suspicious, and I must point out that Hardoi, Unao and Rae Bareli, which reported that all the witnesses summoned were examined by the Courts—a thing improbable on the face of it—have again reported to the same effect. There can be little doubt that the figures returned by them are incorrect.

The percentage of witnesses in Magistrates' Courts discharged on the first day was lowest in Bara Banki (70 per cent.) and highest in Lucknow, Fyzabad, Gonda and Partabgarh (91 per cent.). The percentage in Hardoi was 90 and in Unao, Sultanpur and Rae Bareli 89. Some of these figures are at first sight satisfactory, but as remarked above the figures for Hardoi, Unao and Rae Bareli are probably incorrect. The Deputy Commissioner of Bahraich also is of opinion that the period of detention is not properly recorded and that the witnesses are under-paid. The Deputy Commissioner of Hardoi also remarks that the scale of diet money allowed should be raised. He says "its lowness undoubtedly increases the unwillingness of the public to give evidence in criminal cases and leads to the undesirable practice of witnesses being fed or paid by Police officers out of their own pockets." I doubt whether the scale of diet money has any thing to do with the general unwillingness to give evidence, but the scale is in my opinion too low and should be raised. I fear that Police officers are sometimes driven to resort to improper means of finding food or diet money for witnesses.

Out of 86,804 (as against 86,248) witnesses examined in Magistrates' Courts 40,272 (as against 34,042) received their expenses and the sum paid rose from Rs. 20,072 to Rs. 25,230. In this respect there appears to have been considerable improvement, but it is difficult to criticise these figures as it is impossible to say how many of the persons summoned were entitled to the payment of diet money.

Most of the Magistrates of the regular staff were working at high pressure throughout the year with the result that they had not sufficient time for the proper trial of cases under the Rent and Revenue Acts. No improvement is possible unless as in some districts officers exercising both Criminal and Rent or Revenue powers are required to set apart days for the disposal of Rent and Revenue work. The amount of care expended in Rent and Revenue cases ought not to vary with the amount of crime in a district. The trial of Rent and Revenue cases which come before this Court in appeal will not bear comparison with the trial of civil cases by the Subordinate Civil Courts.

The District Magistrate of Lucknow observes "I would repeat my predecessor's remarks as to my Court house. The Magistrates carry on their work under great disadvantages. They have no retiring rooms and their Courts are quite unsuited to the large number of persons which they often have to hold. A new Court house is urgently required." I entirely agree with these remarks. The Magistrates in the Lucknow District are most inadequately provided for. When I visited the District Magistrate's Court I found the Joint Magistrate working in a most wretched little room with very little light and no ventilation whatever.

LUCKNOW:
The 15th August 1908.

E. CHAMIER,
Judicial Commissioner, Oudh.

Accompaniments :—

Imperial Returns Nos. I, II, IIA, III, IV, V, VA, VI and XIII; and Provincial Tables, A, B, C, D, E, and F.

[Maximum number of pages of the report (excluding statistics) as fixed by the Government of India—10.]

IMPERIAL RETURN No. I—(CRIMINAL).

Showing the number of Judicial Divisions and the number of officers exercising Original and Appellate jurisdiction in the Province of Oudh, during the year 1907.

Name of Province.	Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Judges of Chief Court of Province.	Total number of officers exercising original or appellate jurisdiction.				Total number of cases decided.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.		
						Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts.	Original.		Appellate.						
										Regular.	Miscellaneous.	Regular.	Miscellaneous.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	Europeans.	Natives.
														Rs. a. p.	Rs. a. p.	Grades of Judicial Officers.		
Territory subject to the Judicial Commissioner of Oudh.	23,996 sq. m.	12,833,077	6	12	3	9	12	72	165	34,595	2,530	3,240	1,046	32,07,931-2-0	21,52,380-9-5	Officers exercising both original and appellate jurisdiction. — Judicial Commissioners.	3	...
																Officers exercising both original and appellate jurisdiction. — District and Sessions Judges.	6	2
																Officers exercising both original and appellate jurisdiction. — Assistant Sessions Judge.	...	1
																Officers exercising both original and appellate jurisdiction. — Deputy Commissioners.	12	...
																Officers exercising original jurisdiction only. — Assistant Commissioners.	10	2
																Officers exercising original jurisdiction only. — Deputy Collectors	2	55
																Officers exercising original jurisdiction only. — City and Cantonment Magistrates.	3	...
																Officers exercising original jurisdiction only. — Tahsildars	...	43
																Officers exercising original jurisdiction only. — Honorary Magistrates.	2	120
Total for 1906	...	...	...	...	3	8	12	53	159	33,406	2,542	3,331	1,121	(a) 18,60,688-1-10	23,89,869-6-11			

(a) Does not include receipts on account of Stamp Paper supplied from the Central Stores.

For Home and Agricultural Departments.

	Europeans.	Natives.
Judicial Commissioners	3	...
District and Sessions Judges	6	2
Assistant Sessions Judge	...	1
Deputy Commissioners	12	...
Assistant Commissioners	10	2
Deputy Collectors...	2	55
City Magistrate	1	...
Cantonment Magistrates	2	...
Tahsildars	...	43
Honorary Magistrates	2	120

NOTE.—The figures in columns 15 and 16 relate to the receipts and charges respectively of *all* the Courts *in* the Province of Oudh—Civil, Criminal and Revenue—combined in one total.

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1907.

Description of offence.		Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.
1		2	3	4	5	6	7	8	9
Offences against the Army and Navy, chapter VII, Indian Penal Code.		2	1	1	1	...	1	...	...
Offences against the public tranquillity, chapter VIII, Indian Penal Code.		500	312	329	1,938	784	946	1	207
Offences by, or relating to, public servants, chapter IX, Indian Penal Code.		65	30	31	46	18	24	...	4
Contempt of the lawful authority of public servants, chapter X, Indian Penal Code.		445	410	418	648	263	369	2	14
False evidence and offences against public justice, chapter XI, Indian Penal Code.		315	284	297	395	148	208	6	33
Offences relating to coin and Government stamps, chapter XII, Indian Penal Code.		62	38	41	59	8	40	6	5
Offences relating to weights and measures, chapter XIII, Indian Penal Code.		23	17	17	19	9	9	...	1
Offences affecting the public health, safety, convenience, decency and morals, chapter XIV, Indian Penal Code.		205	171	174	263	75	187	...	1
Offences relating to religion, chapter XV, Indian Penal Code.		75	28	30	68	48	20	...	...
Offences affecting the human body, chapter XVI, Indian Penal Code.	Offences affecting life ...	485	453	471	318	264	400	7	147
	Causing miscarriage, injury to unborn children, exposure of infants and the concealment of births.	38	36	37	39	2	36	...	1
	Hurt	13,465	9,322	9,487	22,331	19,365	2,545	10	411
	Wrongful restraint and wrongful confinement.	280	117	125	281	246	27	...	8
	Criminal force and assault ...	2,165	1,359	1,391	3,450	3,010	401	2	37
	Kidnapping or forcible abduction, slavery, forced labour and buying or selling a minor for the purpose of prostitution.	183	68	72	138	92	45	...	1
	Rape	52	29	33	36	18	16	...	2
	Unnatural offence... ...	37	35	36	40	7	33	...	...
Offences against property, chapter XVII, Indian Penal Code.	Theft	3,959	3,099	3,156	4,433	1,259	3,029	3	142
	Extortion	292	65	69	134	104	25	...	5
	Robbery and dacoity ...	447	290	250	1,100	370	351	3	376
	Criminal misappropriation of property.	80	34	36	52	24	26	1	1
	Criminal breach of trust ...	413	208	214	247	102	129	4	12
	Receiving stolen property ...	549	528	539	789	138	616	5	30
	Cheating	468	198	210	294	156	128	2	8
	Fraudulent deeds or disposition of property.	5	2	3	7	5	2	...	...
	Mischief	1,891	1,163	1,180	2,781	2,314	389	3	75
	Criminal trespass	4,950	3,629	3,678	6,841	4,196	2,448	7	190
Offences relating to documents and to trade or property marks, chapter XVIII, Indian Penal Code.		45	21	23	30	18	8	...	4
Criminal breach of contracts of service, chapter XIX, Indian Penal Code.		12	5	5	6	5	1	...	...
Offences relating to marriage, chapter XX, Indian Penal Code.		1,683	877	893	1,109	942	135	4	28
Defamation, chapter XXI, Indian Penal Code.		473	130	133	205	194	7	2	2
Criminal intimidation, insult and annoyance, chapter XXII, Indian Penal Code.		360	119	119	241	207	27	2	5
Total under the Indian Penal Code.	1907	34,024	23,078	23,498	48,839	34,391	12,628	70	1,750
	1906	33,019	22,305	22,763	45,495	31,626	12,781	57	1,031

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1907—(concluded).

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year, including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Code of Criminal Procedure, 1898, sections 107, 112 to 119. Security for keeping the peace.	1,145	442	453	1,829	928	858	1	42
Code of Criminal Procedure, 1898, sections 109, 110, 112 to 119. Security for good behaviour.	733	665	676	1,488	187	1,212	3	86
Special and Local Laws.								
Arms Acts, XI of 1878 and XI of 1882...	39	39	40	45	9	35	...	1
Cantonments Act, XIII of 1889 ...	276	274	274	430	66	362	1	1
Cattle Trespass Act, I of 1889 (amended by Act I of 1891).	2,804	2,135	2,152	5,857	5,270	522	...	65
Court Fees Act, VII of 1870 (amended by Acts, VI of 1887, XXI of 1891 and XII of 1895).	1	1	1	1	1	...	...	...
Criminal tribes and eunuchs Act, XXVII of 1871 (amended by Act II of 1897).	144	144	146	148	3	139	...	6
Cruelty to animals, Act XI of 1890 ...	74	52	52	95	9	86	...	...
Excise on spirits and drugs Act, XXII of 1881 (amended by Acts, VI of 1885, and XIII of 1891).	237	234	237	310	65	242	1	2
Ferries Act, XVII of 1878 (amended by Act III of 1886).	47	25	25	62	38	15	...	9
Forests Act, VII of 1878 (amended by Act V of 1890).	23	22	22	39	...	39	...	...
Gaming and lotteries Act, III of 1867 ...	116	116	117	549	74	463	...	12
Hackney carriages Act, XIV of 1879 ...	158	156	157	166	27	139	...	...
Indian Explosives Act, IV of 1884 ...	1	1	1	1	...	1	...	...
Kerosine Oil Act, VIII of 1899 ...	1	1	1	1	...	1	...	...
Legal Practitioners' Act, XVIII of 1879 (amended by Act IX of 1884).	1	1	1	1	...	1	...	...
Municipal Bye-Laws Act, XV of 1883 ...	3,088	2,956	2,979	3,262	575	2,614	6	67
Municipal Taxation Act, XI of 1881 ...	1	1	1	1	...	1	...	...
Opium Act, I of 1878	74	74	75	96	36	60	...	...
Opium Cultivation Act, XIII of 1857 ...	1	1	1	2	...	2	...	...
Police District Act, V of 1861 ...	2,830	2,810	2,815	3,781	275	3,490	1	15
Police Town Act, XX of 1856 ...	1	1	1	1	...	1	...	..
Police Road and Village Act, XVI of 1873	4	4	4	4	...	4	...	...
Post office Act, VI of 1898 ...	7	6	6	7	1	6	...	...
Prisons Act, IX of 1894 (amended by by Act XIII of 1898).	1	1	1	1	...	1	...	...
Railways Act, IX of 1890 (amended by Act IX of 1896).	288	281	283	451	115	334	1	1
Registration Act, III of 1877 (amended by Act II of 1886).	1	1	3	6	...	6	...	...
Salt and Saltpetre Act, XII of 1882 ...	15	15	16	21	2	19	...	...
Sanitation Act, III of 1892 (North-Western Provinces and Oudh).	355	353	355	747	36	709	2	...
Stage coaches Act, XVI of 1861 (amended by Act I of 1898).	80	77	111	135	27	107	...	1
Sarais and paraos Act, XXII of 1867 ...	1	...	...	...	...	...	...	...
Stamps Act, II of 1899	144	143	146	182	21	158	2	1
Treasure Trove Act, VI of 1878 ...	1	1	1	1	1	...	...	...
Vaccination Acts, XIII of 1880 and I of 1892.	73	27	27	35	35	...	...	...
Village Police Act, XVII of 1876 ...	5	5	5	5	...	5	...	...
Total under the Code of Criminal Procedure, 1898, and under Special and Local Laws. 1907	12,770	11,065	11,185	19,760	7,801	11,632	18	309
1906	12,264	10,540	10,640	19,178	7,491	11,466	14	207
GRAND TOTAL ... 1907	46,794	34,143	34,683	68,599	42,192	24,260	88	2,059
1906	45,283	32,845	33,399	64,673	39,117	24,247	71	1,238

JUDICIAL STATEMENT

Showing the general result of the trial of European British

Description of offence.		Persons whose cases were disposed of—										
		By District Magistrates and other 1st class Magistrates.				By Courts of Session.			By High Court.		Total for all courts.	
		Convicted.	Acquitted or discharged.	Committed.		Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 (2) of the Code.	Convicted.	Acquitted.	Convicted.	Acquitted or discharged.
				To Courts of Sessions.	To High Court.							
1		2	3	4	5	6	7	8	9	10	11	12
Offences affecting the human body, Chapter XVI, I. P. C.	Voluntarily causing grievous hurt.	1	...	...	...	...	...	...	...	...	1	...
Offences against property, Chapter XVII, I. P. C.	Theft in a dwelling house &c.	1	...	...	...	...	...	...	...	...	1	...
	Criminal breach of trust.	1	...	1	...	...	1	...	...	...	1	1
	Cheating ...	2	...	2	...	1	1	...	...	...	3	1
	Committing mischief.	1	1	...	...	...	...	...	...	...	1	1
Special and Local laws.	Act VII of 1878.	1	...	...	...	...	...	...	...	...	1	...
	Act IX of 1890.	2	...	...	...	...	...	...	...	...	2	...
Total ...	1907 ...	9	1	3	...	1	2	...	...	...	10	3
	1906 ...	3	13	2	...	1	...	...	...	...	6	13

No. IIA—(CRIMINAL).

subjects in the Province of Oudh during the year 1907.

Of the total number of persons shown in—										
Columns 2 to 5.			Columns 6 to 8.		Columns 6 to 10.		Columns 11 and 12. Number whose cases were disposed of by—			
							Magistrates.		Sessions Judges.	
Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	Number of those in column 13 whose cases were transferred under section 451(19) of the Code.	Number who claimed a mixed number of assessors, section 450 (2) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury, section 450(1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
13	14	15	16	17	18	19	20	21	22	23
...	1	...	...	...	...	...	1	...	...	...
...	1	...	...	...	...	...	...	1	...	...
1	1	...	1	...	...	...	1	...	1	...
...	3	...	...	1	...	...	2	...	2	...
...	2	...	...	...	...	...	1	1	...	...
...	1	...	...	...	...	...	1	...	...	...
...	2	...	...	...	...	...	2	...	...	...
1*	11*	...	1	1	...	...	8	2	3	...
...	18	...	...	1	...	...	10	8	1	...

* Two cases against one accused.

IMPERIAL RETURN No. III—(CRIMINAL).

Miscellaneous proceedings under the Criminal Procedure Code in the Province of Oudh, during the year 1907.

Nature of proceedings.	Total number of cases before the courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.
1	2	3	4	5
1. Proceedings against witnesses under chapter VI—C and section 485 of chapter XXXII.	11	16	7	9
2. Proceedings under chapter VIII to prevent breach of the peace.	453	1,829	928	858
3. Proceedings under Chapter VIII—security for good behaviour.	676	1,488	187	1,212
4. Proceedings against local nuisances, chapter X ...	250	470	171	282
5. Possession, chapter XII	83	208	137	66
6. Frivolous or vexatious accusations summarily dealt with under chapter XX, section 250.	212	227	2	225
7. Non-attendance of jurors and assessors, chapter XXIII, section 332.	20	21	19	2
8. Maintenance, Chapter XXXVI	735	738	599	108
9. Forfeiture of bail or recognisance under chapter XLII.	91	119	42	70
10. Proceedings under chapter XLVI, section 563, against convicted offenders released under section 562.	35	3	10	33
Total 1907	2,566	5,159	2,102	2,865
Total 1906	2,560	5,344	1,749	3,456

IMPERIAL RETURN No. IV—(CRIMINAL).

Showing the general result of Criminal trials in the tribunals of various classes in the Province of Oudh, during the year 1907.

Class of Courts.	Total number of persons under trial.	Persons whose cases were disposed of—											Persons remaining under trial at the close of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.
		Died, escaped or transferred to another province.	Discharged or acquitted.	Convicted.								Committed or referred.				
				On regular trial.				On summary trial.								
				Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.		Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.						
						Discharged after admonition.	Delivered to parent or guardian.			Discharged after admonition.	Delivered to parent or guardian.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Subordinate Magistrate. Special Magistrates under section 14.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrate. Honorary Magistrates sitting singly.	10,652	3	8,906	1,535	1	...	...	...	...	...	..	...	207	4,321	13·41	8,300
Subordinate Magistrate. Stipendiary Magistrates sitting singly.	49,623	58	29,734	3,775	150	12	4	3,486	71	4	1	1,554	1,274	24,352	9·75	73,307
Subordinate Magistrate. Benches of Magistrates.	7,174	11	2,870	2,908	...	...	...	1,250	...	...	...	...	135	5,064	4·52	3,815
District and Divisional Magistrates—cases referred under sections 347/349, Criminal Procedure Code.	538	...	44	427	54	...	1	6	1	...	...	5	...	102	3·54	54
Chief Magistrates of districts.	510	2	213	170	...	...	...	102	...	...	...	21	2	212	12·13	1,294
Deputy Commissioners under section 30, Act V of 1898.	8	...	1	7	..	..	...	...	...	...	...	...	...	7	13·57	34
Total of Magistracy. 1907	68,505	74	41,768	18,322	205	12	5	4,844	72	4	1	1,580	1,618	34,058	9·43	86,804
Total of Magistracy. 1906	64,557	69	38,733	18,811	171	11	5	4,512	81	8	3	998	1,155	32,868	9·29	86,248
Sessions Judges. 1907	1,647	14	424	767	...	...	1	...	...	...	...	...	441	537	34·78	5,197
Sessions Judges. 1906	1,114	2	384	645	...	...	...	...	...	...	...	...	83	538	32·25	5,041

IMPERIAL RETURN No. V.—(CRIMINAL).

Showing punishments inflicted by the various Criminal Tribunals in the Province of Oudh, during the year 1907.

Class of Courts.	Persons sentenced to—								Persons ordered to find or give security or recognizance to keep the peace or security for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishment.																Number of boys whose sentences were commuted to detention in a Reformatory school.
				Imprisonment.							Fine.									Imprisonment.					Whipping.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.			Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes.	20 stripes.	30 stripes.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs.	Rs.	Rs.									
Subordinate Magistrates. Special Magistrates.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Honorary Magistrates sitting singly.	...	...	...	393	69	...	1,161	...	1	...	1,048	109	4	...	..	...	6,288	5,685	1,014	214	248	...	...	...	...	...	...	...
Stipendiary Magistrates sitting singly.	...	...	...	5,097	380	..	8,911	1,405	2,077	1,201	7,591	1,154	113	52	...	1	66,301	58,067	8,875	882	3,099	2,614	83	...	260	915	230	8
Benches of Magistrates.	..	...	...	89	7	...	4,094	...	...	...	4,014	80	...	...	...	...	6,306	6,099	424	48	48	...	...	...	...	...	...	...
District and Divisional Magistrates—cases referred under sections 347/349, Criminal Procedure Code.	...	...	...	155	1	...	12	248	35	...	10	2	...	...	...	...	135	135	...	10	60	85	1	...	69	150	29	...
Chief Magistrates of Districts.	...	...	...	76	13	...	64	37	52	54	41	18	4	1	...	...	1,507	1,770	369	15	46	70	12	...	12	18	7	1
Deputy Commissioners under section 30, Act V of 1898.	...	...	...	18	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	18	...	...	...	...	...
Courts of Session...	36	123	...	598	8	...	19	16	37	118	...	12	4	2	1	...	2,578	532	71	2	35	134	453	100	1	3	12	1
Total 1907 ...	36	123	...	6,426	478	...	14,261	1,706	2,202	1,373	12,704	1,375	125	55	1	1	83,115	72,288	10,753	1,171	3,536	2,903	567	100	342	1,086	278	10
Total 1906 (Revised.)	53	65	...	5,769	421	...	14,665	1,810	2,173	1,131	13,151	1,383	96	28	4	3	94,260	75,609	11,319	1,256	3,236	2,372	416	41	454	1,057	299	4

JUDICIAL STATEMENT No. V-A—(CRIMINAL).

Showing the particulars of whippings inflicted by the criminal tribunals in the Province of Oudh, during the year 1907.

PART I.

Showing whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other punishments.

Offences for which awarded.	Number of persons awarded.			
	5 to 10 stripes	11 to 20 stripes.	21 to 30 stripes.	Total.
1	2	3	4	5
IN LIEU OF OTHER PUNISHMENTS. (SECTIONS 2 AND 3, ACT VI OF 1864).				
1. Theft, as defined in sections 378 to 382, Indian Penal Code.	211	438	102	751
2. Assault or criminal force to a woman with intent to outrage her modesty, as defined in section 354, Indian Penal Code.	1	...	...	1
3. Rape, as defined in section 376, Indian Penal Code.	1	...	...	1
4. Unnatural offence, as defined in section 377, Indian Penal Code.	1	1	2	4
5. Extortion, as defined in sections 388 and 389, Indian Penal Code.	7	2	3	12
6. Criminal breach of trust, as defined in section 406, Indian Penal Code.	1	3	...	4
7. Criminal breach of trust by a clerk or servant, as defined in section 408, Indian Penal Code.	2	...	...	2
8. Dishonestly receiving stolen property, as defined in section 411 and 412, Indian Penal Code.	13	77	19	109
9. Mischief by killing or maiming cattle, &c., as defined in section 429, Indian Penal Code.	1	...	...	1
10. Lurking house-trespass, as defined in sections 443 and 453, Indian Penal Code.	10	3	...	13
11. Lurking house-trespass by night, as defined in sections 444 and 456, Indian Penal Code.	2	3	1	6
12. House-breaking by night, as defined in sections 446 and 456, Indian Penal Code.	18	53	9	80
13. House-trespass, as defined in section 451, Indian Penal Code.	...	1	...	1
14. House-trespass, as defined in section 452, Indian Penal Code.	1	5	...	6
15. Lurking house-trespass or house-breaking, as defined in section 454, Indian Penal Code.	15	61	11	87
16. Lurking house-trespass or house-breaking by night, as defined in section 457, Indian Penal Code.	44	310	80	434
17. Offences under the Railway Act, IX of 1890.	2	1	...	3
18. Offences under section 19, Act XXVII of 1871:	2	16	...	18
On 1st conviction	319	929	197	1,445
On re-conviction	13	45	30	88
Total ... 1907 ...	332	974	227	1,533
Total ... 1906 ...	449	972	242	1,663

JUDICIAL STATEMENT No. V-A—(CRIMINAL).

PART II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864.

Offences for which awarded	Number of persons awarded.			
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	Total.
1	2	3	4	5
In addition to other punishments.				
(SECTIONS 3 AND 4.)				
A.—Section 3.				
1. Theft, as defined in sections 378 to 382, Indian Penal Code	2	25	18	45
2. Extortion, as defined in sections 388 and 389, Indian Penal Code	...	...	1	1
3. Dishonestly receiving stolen property as defined in sections 411 and 412, Indian Penal Code	1	4	1	6
4. Lurking house-trespass by night as defined in section 444, Indian Penal Code ...	...	4	...	4
5. House-breaking, as defined in section 445, Indian Penal Code	...	2	...	2
6. House-breaking, by night as defined in section 446, Indian Penal Code	...	3	4	7
7. Lurking house-trespass or house-breaking, as defined in section 454, Indian Penal Code.	...	5	2	7
8. Lurking house-trespass or house-breaking by night as defined in section 457, Indian Penal Code	...	24	21	45
9. Offences under section 19, Act XXVII of 1871	1	29	3	33
B.—Section 4.				
1. Unnatural offence, as defined in section 377, Indian Penal Code	...	1	...	1
2. Attempt at robbery, as defined in section 393, Indian Penal Code	...	...	1	1
Total ...	4	97	51	152

JUDICIAL STATEMENT No. V-A—(CRIMINAL).

PART III.

Showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in parts I and II.

Offences.	Number of persons awarded.			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
1	2	3	4	5
1. Voluntarily causing hurt, as defined in section 323, Indian Penal Code	...	1	...	1
2. Assault or use of criminal force to a woman with intent to outrage her modesty, as defined in section 354, Indian Penal Code	...	2	...	2
3. Kidnapping, as defined in section 363, Indian Penal Code	...	2	...	2
4. Buying or disposing of any person as a slave, as defined in section 370, Indian Penal Code ...	...	1	...	1
5. Rape, as defined in section 376, Indian Penal Code	...	1	5	6
6. Theft, as defined in sections 378 to 382, Indian Penal Code	3	...	...	3
7. Mischief by killing or maiming cattle &c., as defined in section 429, Indian Penal Code ...	...	1	...	1
8. House-trespass, as defined in section 442, Indian Penal Code	1	...	...	1
9. Offences under the Railways Act, IX of 1890...	3	...	...	3
10. Offences under section 19, Act XXVII of 1871	1	...	...	1
On 1st conviction	8	8	5	21
On re-conviction	...	...	...	...
Total ... 1907 ...	8	8	5	21
Total ... 1906 ...	7	6	1	14

JUDICIAL STATEMENT No. V—A. (CRIMINAL).

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments.

Punishments.	Number.
1	2
1. Total number of whippings awarded	1,706
2. Total number of other punishments in cases in which whipping might have been awarded	4,397
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)	6,103
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3)	27·95

IMPERIAL RETURN No. VI—(CRIMINAL).

Showing the result of Appeals and Revisions in criminal cases in the Province of Oudh, during the year 1907.

Tribunals.	Total number of appellants or applicants before the Courts.	Number of persons—										Average number of days each appeal lasted.	Number of persons dealt with under—		Remarks.
		Died, escaped or transferred to another province.	Appeals or applications rejected.	Sentences or orders confirmed.	Sentences enhanced	Sentences reduced or otherwise altered.	Sentences reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to High Court.	Pending trial.		Section 106(3), Criminal Procedure Code.	Section 8, clause 2 of the Reformatory Schools Act.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Appeals.															
To Chief Magistrates of Districts.	1,885	...	60	1,252	...	187	303	8	24	1	50	13·62	1	...	
To Sessions Court ...	2,053	12	843	654	...	241	224	12	20	2	45	9·44	...	...	
Superior Courts. By persons convicted.	571	...	99	327	...	62	44	...	...	...	39	20·74	...	...	
Superior Courts. By Government.	2	...	...	1	...	...	...	...	...	...	1	28	...	...	
Total 1907 ...	4,511	12	1,002	2,234	...	490	571	20	44	3	135	12·6	1	...	
Total 1906 ...	4,671	3	1,122	2,306	...	433	626	7	30	5	139	12·90	7	...	
Revisions.															
By Chief Magistrates of Districts.	98	...	363	526	...	1	37	5	196	4	34	12·27	...	...	Applications by Complainants against accused. 380 „ 391 „ 1,068
By Court of Session ...	447	2	458	394	...	1	28	5	95	68	21	16·09	...	...	183 „ 195 „ 625
By Superior Courts ...	427	...	148	188	1	31	69	...	3	...	18	18·23	...	...	16 „ 16 „ 31
Total 1907 ...	972	2	969	1,108	1	33	134	10	294	72	73	14·94	...	...	579 „ 602 „ 1,724
Total 1906 ...	1,028	3	863	1,018	1	66	142	9	317	152	88	13·66	...	...	602 „ 647 „ 1,631

IMPERIAL RETURN No. XIII—(CRIMINAL).

Showing the use of Jurors and Assessors in the Criminal Courts in the Province of Oudh, during the year 1907.

Class of courts in which Assessors are employed distinguishing criminal from civil courts.	Established or average number of Jurors or Assessors in each case and prescribed qualifications.	Number of cases tried by Jury.	Number of cases with Assessors.	Jury trials.					Assessors' trials.		
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved.		Number of cases in which the Judge agreed with Assessors.	Number of cases in which the Judge differed from—	
					Wholly.	Partially.	Whose cases he referred under section 307, Criminal Procedure Code.	Whose cases he did not refer under section 364, Criminal Procedure Code.		One Assessor.	Both Assessors.
1	2	3	4	5	6	7	8	9	10	11	12
Sessions Judge, Lucknow ...	5	35	68	33	2	...	...	...	48	8	12
„ „ Sitapur ...	2	...	119	...	...	...	...	...	91	5	23
„ „ Hardoi ...	2	...	79	...	...	...	...	...	53	8	18
„ „ Fyzabad ...	3	...	53	...	...	...	...	...	38	2	13
„ „ Gonda ...	2	...	108	...	...	...	...	...	76	17	15
„ „ Rae Bareli ...	2	...	47	...	...	...	...	...	33	2	12
Total ... 1907	...	35	474	33	2	...	...	...	339	42	93
Total ... 1906	...	34	485	31	2	1	2	...	331	52	102

NOTE

ON THE

Administration of Criminal Justice

IN THE PROVINCE OF OUDH,

DURING THE CALENDAR YEAR ENDING 31st DECEMBER 1908;

WITH STATEMENTS.

ALLAHABAD:
PRINTED BY F. LUKER, SUPDT., GOVERNMENT PRESS, UNITED PROVINCES.
1909.

Note on the Administration of Criminal Justice in the Province of Oudh during the calendar year ending 31st December 1908.

1. There was no change in the number of local limits of the sessions divisions during 1908. The Additional Sessions Judges, who were appointed in Gonda and Lucknow, on 17th October and 19th November 1907, respectively, continued during the year under review, and in order to keep the work in these divisions within reasonable dimensions it will be necessary to retain the Additional Judges permanently. In addition to this assistance, sessions work of a serious nature was so heavy in the Courts of Session for the Lucknow and Hardoi sessions divisions that a 2nd Additional Sessions Judge, who exercised jurisdiction in both these divisions, was appointed for six months from July 19th. **Judicial Statement No. I.**

One Assistant Sessions Judge worked throughout the year at Sitapur and the other at Hardoi from March 21st to the end of the year. Both the Assistant Judges did criminal work during the year.

The number of the tribunals responsible for the administration of criminal justice in the province remained as they had been in 1907, and the local limits of their jurisdiction during the year remained unchanged.

2. Magistrates disposed of 33,793 cases against 34,058 in the previous year. It should be noted that the Magistrates must have had a good deal of extra work during the year in connection with famine relief and the distribution of *takavi*. **Judicial Statement No. II.**

The total number of offences reported during the year dropped from 46,794 to 44,547, and the number of cases brought to trial from 34,683 to 34,229. There was a decrease in the offences under the Penal Code as well as in those under the Code of Criminal Procedure and the Special and Local Acts.

The results for 1907 and 1908 are compared in detail in the following table :—

	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial.	Number of persons under trial.
Offences under the Penal Code.				
1907 ...	34,024	23,078	23,498	48,839
1908 ...	32,187	22,565	23,226	46,274
Offences under the Code of Criminal Procedure and under Special and Local Acts.				
1907 ...	12,770	11,065	11,185	19,760
1908 ...	12,360	10,864	11,003	19,485
Total offences under the Penal Code as well as under the Code of Criminal Procedure and Special and Local Acts.				
1907 ...	46,794	34,143	34,683	68,599
1908 ...	44,547	33,429	34,229	65,759

Magistrates disposed of cases of 64,254 persons during the year and out of these 26,770 persons were convicted, a percentage of 42 against 35 in 1907.

3. The course of crime throughout the year was influenced by the prevailing famine. As always occurs in hard times, petty thefts increased by 1,462—as much as 36 per cent. on the number in 1907. An epidemic of serious robberies and dacoities raised the high number of 1907 from 447 to 557 (24 per cent.). Cases of receiving stolen property rose proportionately, viz., 549 to 789 ; (43 per cent).

The large decrease in offences against the person is merely another aspect of the same local conditions. There being few crops worth fighting about, riots (—33), hurt (—2,754), and assault (—458) show a decided decrease. There is also a decrease in offences relating to marriage (—284), and defamation (—145). This result is to be expected in a year when there is not much surplus cash to spend in litigation.

Hardoi heads the district list with increases of 318 theft cases, and 77 cases of receiving stolen property. Partabgarh alone shows a decrease under both heads. The stern measures taken in 1907 in Bara Banki reduced the serious robberies and dacoities in that district to 46. Gonda and Bahraich continued to suffer much from lawless gangs and the rise from 33 cases in 1906 to 99 in 1907

continued in the year under report to 203. It is hoped that with the return to more prosperous agricultural conditions this class of crime will decrease.

4. The offences under the Special and Local Acts show some noticeable variations. The decrease in offences under the Cattle Trespass Act was general in all districts; and was due no doubt to the failure of the harvest: and to the greater care taken by those who had crops to protect them. There was an increase in the number of offences under the Arms Act (+37), Cantonment Act (+382), Hackney Carriages Act (+258), Railways Act (+133) and Vaccination Act (+273). Under the Municipal Bye-laws there is no change. Hardoi, Sitapur and Bahraich are the only districts which show an increase in the use of the Police Act, V of 1861.

5. Sessions work rose generally throughout the province. The total number of cases disposed of by the Courts of Session, rose from 537 to 890, and the number of persons dealt with from 1,647 to 2,777. The number of cases committed increased from 590 to 865. The increase was shared by all the judgeships, the largest being in Gonda (104), and Sitapur (67).

6. The percentage of complaints dismissed under section 203 of the Code of Criminal Procedure remained much the same. Fyzabad, Gonda, Sultanpur and Rae Bareli show an improvement; while the other eight districts indicate a fall. The most remarkable decrease was in Bara Banki and Bahraich, where the percentage fell from 27 to 20.

Judicial Statement No. II A.

7. Eighteen European British subjects were under trial before the Courts during the year as against 12 in the previous year. Cases of sixteen persons were tried by Magistrates: and eleven persons were convicted and five were acquitted or discharged. Cases against two persons were transferred to the High Court at Allahabad for trial.

Judicial Statement No. III.

8. There was a decrease in the number of persons bound over to keep the peace, during the year, from 858 to 578.

Security for good behaviour was demanded from 2,023 persons, as against 1,212 in 1907, and 1,049 in 1906. Sitapur after treating 113 and 117 persons in 1906 and 1907, respectively trebled their number in 1908, and supplied 345—one-third of the provincial increase. This was probably due to the personal supervision of the District Magistrate of Sitapur. Hardoi, after almost ignoring these sections in 1907, when only 18 persons were so treated, had the worst record in the province for theft cases and receiving stolen property in 1908, and increased its number under sections 109 and 110 of the Code of Criminal Procedure to 193. The Sessions Judge remarks that the increase appears to have been more than justified and steps might well have been taken earlier. Similar remarks apply to Bahraich, where a rapid extension of these sections has been found necessary, namely, 49 in 1906; 131 in 1907; and 202 in 1908. The Sessions Judge of Gonda comments on the paucity of cases referred to the Judge, under section 123 in connection with sections 109 and 110, of the Code of Criminal Procedure: and is of opinion that a more extensive use of this section would be productive of good result. Fyzabad is remarkable for continued decrease in the use of these preventive sections. The other districts have maintained a fairly regular level.

The provisions of chapter XX of the Code of Criminal Procedure were given effect to in fewer cases, during this year than in the previous year. One hundred and fifty cases, involving 169 persons, were dealt with as against 212 cases, involving 227 persons, in 1907. One hundred and sixty-four (against 225) of these persons were ordered to pay compensation under section 250 of the Code. The amount of fine imposed decreased accordingly from Rs. 2,620 to Rs. 1,872. More effectual use of this section is no doubt desirable and Magistrates, in most of the districts, appear to have taken very little action under it.

Judicial Statement No. IV.

9. Action under section 562 of the Code of Criminal Procedure has shown steady and satisfactory progress, the figures for the year under report and three preceding years being —:

1905	...	...	185
1906	...	...	252
1907	...	...	277
1908	...	...	287

Lucknow supplied 77 cases in 1908 and the growing appreciation of the advantages of this provision of the law in Lucknow, Bara Banki, Sitapur, Fyzabad,

Hardoi and Rae Bareli is satisfactory. The Magisterial staff in Unao appears to be hardly aware of the existence of this section of the Code, it having been brought into use only nine times in the last four years.

The number of youthful offenders dealt with under section 31 of the Reformatory Schools Act (VIII of 1897) fell from 22 to 19 in the Courts of Magistrates. Action was taken in the Lucknow, Gonda and Partabgarh districts only. A more extended use of the section is desirable and where necessary District Magistrates should draw the attention of Subordinate Magistrates to these penal and, at the same time, corrective provisions of the law.

10. The provincial percentage of convictions in the Courts of Magistrates rose from 35 to 42. The rise is general in all the districts except Unao and Rae Bareli which show a slight decline. Lucknow (64) and Bara Banki (54) head the list as in the previous year. The largest increases were in Sitapur (20); Kheri (11); Hardoi (9); Gonda (5) and Bahraich (5). The increase in Sitapur is said to be chiefly under the offences against property. Partabgarh (28) and Sultanpur (27) again return the lowest figures as in the previous year. The District Magistrate of Sultanpur remarks—"The offences in respect of which a very large proportion of persons were acquitted or discharged include offences which are compoundable. The institution of such cases is usually recognised in the villages as the orthodox mode of settling minor disputes about a variety of matters affecting rustic social life and in a great many of these cases compromise had been held in view by the parties all along."

The percentage of convictions in the Courts of Session fell from 63 to 60.

11. The number of cases disposed of by Honorary Magistrates fell from 4,321 to 3,576 and by Bench Magistrates from 5,064 to 4,954.

The Honorary Magistrates in Lucknow maintained their reputation for valuable work, especially Raja Shaban Ali Khan, who carried out the work of his *thana* with great credit.

Chaudhri Mahendra Singh, Rai Bahadur, of Bangarmau (Unao), who decided 355 cases, was very useful as a Magistrate.

Babu Indardat Singh (Fyzabad), who again decided the largest number of cases (621), is said to have tried his cases carefully but at the same time to have unnecessarily delayed them.

The Hon'ble Raja Partab Bahadur Singh, C.I.E., of Partabgarh district, again decided a large number of cases (241) and the District Magistrate considers that the Raja's usefulness as a magistrate increased with the grant of higher powers during the year.

The Honorary Magistrates in the Bahraich district rendered much assistance to the district staff; Babu Rajendra Bahadur Singh having decided the largest number of cases (205) among them.

The Bench Magistrate in Lucknow contributed 1,172; Hardoi 821; Rae Bareli 725; Sitapur 620 and Fyzabad 522 cases to the number of cases disposed of during the year.

12. The number of cases which lasted more than six weeks in the Courts of Magistrates during the year rose from 992 to 1,042. The largest increase was in Sitapur (296 as against 102), Hardoi (141 as against 104) and Gonda (181 as against 156). The only appreciable improvement was in Bara Banki, where the number of such cases fell from 246 to 56, and in Unao, where there were none as against 27 in the previous year.

13. The average duration of cases in Courts of Magistrates throughout the province rose from 9 to 10 days. It varies from 3 in Rae Bareli to 18 in Sitapur. The staff in Rae Bareli seems to have reached the minimum limit consistent with care and the patience requisite for efficiency. The congestion of work at Sitapur was no doubt partly due to other work connected with the famine: but it is said that the district was understaffed from time to time. Bara Banki and Bahraich return 16 days each per case. The work was heavy in both districts and is said to have been performed under exceptional difficulties.

The duration of cases in the courts of Deputy Magistrates was generally high and in two Courts in Bara Banki the average duration of cases rose to such high figures as 52 and 61 days.

14. There was a considerable increase in the number of cases pending over six weeks in the Courts of Session. The figures went up in all the judgeships except Hardoi and Sitapur which showed only a slight improvement. Gonda and Lucknow showed the worst results ; the number of the long pending cases having increased from 6 to 82 in Lucknow and from 48 to 131 in Gonda.

15. The average duration of cases in Courts of Session rose from 34 to 46 days. It ranges from 19 days in the Court of the Sessions Judge of Hardoi to 79 days in the Court of the 2nd Additional Sessions Judge of Lucknow.

No comments can be based on the variations in the different courts in consequence of the sudden influx of difficult cases during the year under report and constitution of special tribunals for the trial of some of these cases in Lucknow and Gonda. Some of the Judges attribute the longer durations to commitment of individual cases at inconvenient times with regard to the criminal sessions fixed for each district.

Judicial Statement No. V.

16. In the percentage of solitary confinements awarded by Magistrates Partabgarh, as per last year, heads the list ; though the figure dropped from 46 to 42 in the year of report. The lowest figure (5) is returned by Hardoi which is lower still than the lowest figure (7) shown by Rae Bareli in 1907. On the contrary the percentage in Rae Bareli has risen from 7 to 20. The largest increase is in Sitapur (from 14 to 31). Sultanpur also shows an increase from 9 to 22. The largest decrease is in Unao (12 as against 24). Little use of this deterrent form of punishment has again been made in Fyzabad, Bara Banki, Lucknow and Bahraich.

The variation in the infliction of the punishment is largely due to the action or omission of District Magistrates, in inviting the special attention of the Sub-Divisional Magistrates to it.

Judicial Statement No. V and Table D.

17. The total amount of fines imposed during the year rose from Rs. 83,115 to Rs. 88,831 but the amount realized dropped from Rs. 72,288 to Rs. 70,865. There was accordingly a larger balance unrealized, Rs. 17,966 as against Rs. 10,827. The amount of fines imposed by Sessions Judges rose from Rs. 2,578 to Rs. 7,432 and the amount realized only improved from Rs. 532 to Rs. 1,771.

The decrease in the amount of fine collected is no doubt due to some extent to the prevailing scarcity : but as was noted in last year's report greater discretion is required on part of the courts imposing fines.

Judicial Statement No. V A, Part IV.

18. The total number of persons on whom the punishment of whipping was inflicted during the year under report rose from 1,706 to 2,372. But the proportion of this form of punishment to the total number of all other kinds of punishments in cases in which whipping might have been awarded fell from 27·95 to 26·35.

The increase in Sitapur 14·61 per cent. to 19·16 is stated to have been partly due to the fact that the District Magistrate had called the attention of Deputy Magistrates to this form of punishment early in the year.

There was a very large increase in Kheri said to be due to "famine" crime, and in Fyzabad, although the percentage rose from 23 to 29, the Sessions Judge noted that there were many cases in which this form of punishment could have been more suitably inflicted than that chosen by the Magistrate.

Judicial Statement No. VI.

19. The total number of appellants and applicants for revision, who moved the Courts of Session and District Magistrates, in their behalf during the last three years, are given below :—

	Appellants.		*Applicants for revision.*	
	Before Courts of Session.	Before District Magistrates.	Before Courts of Session.	Before District Magistrates.
1906 ...	2,207	1,984	491	237
1907 ...	2,053	1,885	447	98
1908 ...	3,305	1,928	469	72

The average duration of appeals in Courts of Magistrates fell from 13 to 12 and in Courts of Sessions Judges, it rose from 9 to 12 days.

The percentage of accused persons, against whom the sentences of the original court were confirmed on appeal by Courts of Magistrates, rose from 69 to 76 and by Courts of Session from 72 to 78.

20. The number of murder cases, appeals and revisions which came before the Court as well as of those which were disposed of during the last three 3 years are compared in the subjoined table :— **Court of the Judicial Commissioner.**

Cases.	Total number before the Court.			Number decided.		
	1906.	1907.	1908.	1906.	1907.	1908.
Murder cases ...	41	29	40	41	29	37
Criminal appeals	435	523	1,139	417	499	1,080
Revision cases ...	273	285	369	257	281	328

The business of the Court on the criminal side was exceptionally heavy during the year under report. The large number of appellants from convictions under section 400, Indian Penal Code, was the distinctive feature of the Court's work. Out of the total number of appellants and applicants for revision aggregating 1,720 the orders of the courts below were confirmed in cases of 1,120 persons; the corresponding figures of the previous year being 1,000 and 763 respectively. The percentage of unsuccessful appeals fell from 74 to 65 and the average duration during which each appeal by an accused person lasted rose from 20 to 33 days.

21. The total number of witnesses who were summoned to appear before Magistrates rose from 91,360 to 1,04,046 and those who were actually examined from 86,804 to 97,352. Three thousand four hundred and eighty-four as against 2,905 witnesses were discharged after the second day. **Table C.**

The remarks made in the last two reports with regard to the suspicious nature of the number of witnesses examined still apply to the returns received from the Unao and Rae Bareli districts and it is disappointing to find that no improvement has taken place. Steps will be taken to bring this matter to the special notice of the District Magistrates concerned.

None the less the increase in the number of witnesses summoned is remarkable. It may have been due in part to the increase in cases under sections 395 and 400, Indian Penal Code, which involve a large number of witnesses as also to the large increase in the number of legal practioners in late years. Counsel are more frequently engaged on one or both sides in criminal courts and cases are more hotly contested being strongly supported by witnesses. If this is the case it affords a satisfactory explanation of the increased average duration of cases referred to in paragraph 13.

Larger number of witnesses were summoned and examined in the Courts of Session also, as shown by the following figures :—

	Number of witnesses summoned.	*Number of witnesses examined.*
1907	7,176	5,197
1908	12,857	9,842

There was an improvement in the percentage of witnesses discharged after the first day by Magistrates in all the districts except Lucknow and Bara Banki. The fall (from 91 to 90) in the former was only slight but the latter again returned the lowest percentage reducing it from 70 to 65. The best results were shown by Fyzabad and Sultanpur (94 per cent. each) and the percentage averaged from 86 (Kheri) to 93 (Gonda) in the remaining districts.

Out of the witnesses examined by Magistrates, payments were made to 50,789 during the year as against 40,272 and the amount of the expenses paid rose from Rs. 25,230 to Rs. 31,770. Basing the calculations on the reports about the examination of witnesses, the increase in the amount of the diet money paid appears to be in proportion to the rise in the number of witnes-ess examined. The average cost per witness for the whole province was 10 annas during the year of report and in the year previous to it.

I agree with Mr. Chamier in his remarks on this subject last year.

LUCKNOW; *The 20th August* 1909.

L. G. EVANS, I.C.S.,
Officiating Judicial Commissioner, Oudh.

Accompaniments :—

Imperial Returns Nos. I, II, IIA, III, IV, V, VA, VI and XIII; and Provincial Tables, A, B, C, D, E, and F.

[Maximum number of pages of the report (excluding statistics) as fixed by the Government of India—10.]

IMPERIAL RETURN No. I.—(CRIMINAL).

Showing the number of judicial divisions and the number of officers exercising original and appellate jurisdiction in the Province of Oudh, during the year 1908.

Name of Province.	Area.	Population.	Number of divisions for courts under chief courts but superior to chief courts of districts.	Number of districts.	Judges of Chief Court of Province.	Total number of officers exercising original or appellate jurisdiction.				Total number of cases decided.				Total receipts of the courts.	Total charges of the courts.
						Judges of other courts superior to chief district courts.	Judges of chief courts of districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate courts.	Original.		Appellate.			
										Regular.	Miscellaneous.	Regular.	Miscellaneous.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
														Rs. a. p.	Rs. a. p.
Territory subject to the Judicial Commissioner of Oudh.	23,966 sq. m.	12,833,077	6	12	3	12	12	69	174	34,683	2,684	5,195	845	18,29,527-8-9	24,57,325-9-11
Total for 1907	23,966 sq. m.	12,833,077	6	12	3	9	12	72	165	34,595	2,530	3,240	1,046	32,07,931-2-0	21,52,380-9-5

Remarks.		Europeans.	Natives.
17	Grades of Judicial officers.		
Officers exercising both original and appellate jurisdiction.	Judicial Commissioners ...	3	...
	District and Sessions Judges ...	10	...
	Assistant Sessions Judges ...	1	1
	Deputy Commissioners ...	11	1
Officers exercising original jurisdiction only.	Assistant Commissioners ...	11	2
	Deputy Collectors ...	2	54
	City and Cantonment Magistrates ...	3	...
	Tahsildars ...	...	43
	Honorary Magistrates ...	4	124

For Home and Agricultural Departments.

	Europeans.	Natives.
Judicial Commissioners	3	...
District and Sessions Judges	10	...
Assistant Sessions Judges	1	1
Deputy Commissioners	11	1
Assistant Commissioners	11	2
Deputy Collectors	2	54
City Magistrates	1	..
Cantonment Magistrates	2	...
Tahsildars	...	43
Honorary Magistrates	4	124

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1908.

Description of offence.		Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.
1		2	3	4	5	6	7	8	9
Indian Penal Code.									
Offences against State, Chapter VI, sections 121 to 130		1	1	1	1	1	...	...	...
Offences against the Army and Navy, Chapter VII		3	2	2	2	1	1	...	...
Offences against the public tranquility, Chapter VIII		467	323	345	2,469	916	1,416	8	129
Offences by, or relating to, public servants, Chapter IX		85	45	46	67	32	30	2	3
Contempt of the lawful authority of public servants, Chapter X ...		449	416	427	675	233	412	2	28
False evidence and offences against public justice, Chapter XI		322	303	330	422	148	245	5	24
Offences relating to coin and Government stamps, Chapter XII ...		49	49	51	63	11	40	1	11
Offences relating to weights and measures, Chapter XIII		27	26	27	36	14	21	1	...
Offences affecting the public health, safety, convenience, decency and morals, Chapter XIV		146	119	121	219	70	149	...	...
Offences relating to religion, Chapter XV		50	13	13	27	26	1	...	...
Offences affecting the human body, Chapter XVI.	Offences affecting life ...	507	476	540	1,010	414	527	12	57
	Causing miscarriage, injury to unborn children, exposure to infants and the concealment of births...	126	103	106	171	103	60	1	7
	Hurt	10,711	7,220	7,408	17,336	15,304	1,848	5	179
	Wrongful restraint and wrongful confinement	227	113	118	270	213	57	...	...
	Criminal force and assault ...	1,707	1,005	1,018	2,337	1,995	302	...	40
	Kidnapping or forcible abduction, slavery, forced labour and buying or selling a minor for the purpose of prostitution ...	180	84	84	160	67	86	...	7
	Rape	55	43	42	43	25	16	...	2
	Unnatural offence	16	14	14	22	3	19	...	...
Offences against property, Chapter XVII.	Theft	5,421	4,579	4,662	6,614	1,637	4,856	7	114
	Extortion	247	56	58	108	66	21	1	20
	Robbery and dacoity ...	557	392	425	1,803	766	881	3	153
	Criminal misappropriation of property...	64	38	39	51	25	26	...	...
	Criminal breach of trust ...	483	267	278	316	137	160	3	16
	Receiving stolen property ...	789	775	800	1,173	240	905	11	17
	Cheating	541	265	272	390	162	210	3	15
	Fraudulent deeds or disposition of property	11	4	4	7	6	...	...	1
	Mischief	1,506	884	922	2,021	1,693	283	2	43
	Criminal trespass	5,328	4,013	4,106	7,108	3,780	3,241	13	74
Offences relating to documents and to trade of property marks, Chapter XVIII		67	30	38	48	32	10	...	6
Criminal breach of contracts of service. Chapter XIX		4	1	1	1	1	...	...	...
Offences relating to marriage, Chapter XX		1,399	727	747	992	860	108	2	22
Defamation, Chapter XXI ...		328	98	100	157	138	18	...	1
Criminal intimidation, insult and annoyance, Chapter XXII		264	81	83	155	133	20	...	2
Total under the Indian Penal Code.	1908	32,187	22,565	23,226	46,274	29,252	15,969	82	971
	1907	31,024	23,078	23,498	48,839	34,391	12,628	70	1,750

IMPERIAL RETURN No. II—(CRIMINAL)—(concluded).

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1908.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another Province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Code of Criminal Procedure, 1898.								
Sections 107, 112 to 119—Security for keeping the peace	1,048	366	377	1,591	927	578	...	86
Sections 109, 110, 112 to 119. Security for good behaviour ...	981	906	932	2,311	204	2,023	...	84
Special and Local Laws.								
Arms Act, XI of 1878 and XI of 1882...	76	75	75	87	11	75	...	1
Cantonments Act, XIII of 1889 ...	658	643	644	1,044	139	905	...	...
Cattle Trespass Act, I of 1889 (amended by Act, I of 1891)	1,898	1,469	1,488	4,167	3,809	328	...	30
Court Fees Act, VII of 1870 (amended by Acts, VI of 1887, XXI of 1891 and XII of 1895)	10	10	10	10	...	10	...	...
Criminal tribes and Eunuchs Act, XXVII of 1871 (amended by Act, II of 1897)	272	272	278	317	1	311	2	3
Cruelty to animals Act, XI of 1890 ...	90	89	89	110	7	103	...	...
Emigration Act, XXI of 1883 ...	8	5	5	5	1	4	...	...
Excise on spirits and drugs Act, XXII of 1881 (amended by Act, XII of 1896)	125	125	127	153	31	121	...	1
Factories Act, XI of 1891	1	1	1	3	2	1	...	...
Ferries Act, XVII, of 1878 (amended by Act, III of 1886)	62	34	36	119	102	8	...	9
Forests Act, VII of 1878 (amended by Act, V of 1890)	49	46	46	93	7	85	...	1
Gaming and Lotteries Act, III of 1867...	69	69	72	343	27	312	3	1
Hackney carriages Act, XIV of 1879...	416	399	399	481	90	386	1	4
Indian Explosives Act, IV of 1884 ...	8	8	8	26	1	25	...	...
Municipal Bye-Laws Act, XV of 1883	3,033	2,916	2,976	3,205	713	2,461	10	21
Opium Act, I of 1878	83	83	83	89	20	66	...	3
Opium Cultivation Act, XIII of 1857 ...	2	1	1	1	...	1	...	...
Petroleum Act, XII of 1886 ...	1	1	1	1	...	1	...	...
Poisons Act, I of 1904	2	2	2	2	...	2	...	...
Police District Act, V of 1861 ...	2,209	2,199	2,204	3,528	312	3,200	7	9
Police Town Act, XX of 1856 ...	2	...	...	...	...	...	...	...
Police Road and Village Act, XVI of 1873	3	3	3	3	1	2	...	...
Post Office Act, VI of 1898 ...	4	4	4	4	1	2	...	1
Prisons Act, IX of 1894 (amended by Act, XIII of 1898)	2	2	2	13	7	6	...	...
Railways Act, IX of 1890 (amended by Act, IX of 1896)	421	407	408	583	75	499	1	8
Registration Act, III of 1877 (amended by Act, II of 1886)	2	2	2	7	3	4	...	...
Salt and Saltpetre Act, XII of 1882 ...	6	6	6	7	...	7	...	...
Sanitation Act, III of 1892 (North-Western Provinces and Oudh) ...	228	227	227	361	35	326	...	...
Stage Coaches Act, XVI of 1861 (amended by Act, I of 1898) ...	14	14	14	17	3	14	...	...
Stamp Act, II of 1899	217	212	213	519	39	472	...	8
Treasure Trove Act, VI of 1878 ...	1	1	1	1	...	1	...	...
Vaccination Acts, XIII of 1880 and I of 1892	346	254	254	271	249	22	...	...
Village Police Act, XVII of 1876 ...	13	13	13	13	3	9	...	1
Total under the Code of Criminal Procedure, 1898, and under Special and Local Laws. 1908	12,360	10,864	11,003	19,485	6,820	12,370	24	271
1907	12,770	11,065	11,185	19,760	7,801	11,632	18	309
GRAND TOTAL 1908	44,547	33,429	34,229	65,759	36,072	28,339	106	1,242*
1907	46,794	34,143	34,683	68,599	42,192	24,260	88	2,059

*Includes 44 cases, referred to Sessions Judge for enhancement of punishment.

JUDICIAL STATEMENT

Showing the general result of the trial of European British

Description of offence.	Persons whose cases were disposed of—										
	By District Magistrates and other 1st class Magistrates.				By Courts of Session.			By High Court.		Total for all courts.	
			Committed—								
	Convicted.	Acquitted or discharged.	To Courts of Session.	To High Court.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 (2) of the Code.	Convicted.	Acquitted.	Convicted.	Acquitted or discharged.
1	2	3	4	5	6	7	8	9	10	11	12
Offences affecting the human body, Chapter XVI, I. P. C. — Voluntarily causing hurt ...	2	2	...	...	...	...	...	...	...	2	2
Offences (by public servants) against property, Chapters, IX and XVII, I. P. C. — Criminal breach of trust by public servant, &c. ...	...	...	...	...	...	...	2	...	...	...	...
Offences (by public servants) against property, Chapters, IX and XVII, I. P. C. — Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect ...	..	...	2	...	...	...	...	...	...	...	...
Offences against property, Chapter XVII, I. P. C. — Theft in dwelling house, &c. ...	2	...	...	...	...	...	...	...	...	2	...
Offences against property, Chapter XVII, I. P. C. — Dishonest misappropriation of property ...	...	1	...	...	...	...	...	...	...	...	1
Offences against property, Chapter XVII, I. P. C. — Criminal breach of trust ...	2	...	...	...	...	...	...	...	...	2	...
Offences against property, Chapter XVII, I. P. C. — Criminal breach of trust by clerk or servant ...	1	...	...	...	...	...	...	..	...	1	...
Offences against property, Chapter XVII, I. P. C. — Dishonestly receiving stolen property ...	3	...	...	...	...	...	...	...	...	3	...
Offences against property, Chapter XVII, I. P. C. — Mischief ...	1	2	...	...	...	...	...	...	...	1	2
Total ... 1908 ...	11	5	2	...	...	...	2	...	...	11	5
Total ... 1907 ...	9	1	3	...	1	2	...	...	...	10	3

No. II A.—(CRIMINAL).

subjects in the Province of Oudh, during the year 1908.

Of the total number of persons shown in—										
Columns 2 to 5.			Columns 6 to 8.		Columns 6 to 10.		Columns 11 and 12. Number whose cases were disposed of by—			
							Magistrates.		Sessions Judges.	
Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	Number of those in column 13 whose cases were transferred under section 451 (19) of the Code.	Number who claimed a mixed number of assessors, section 450 (2) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury, section 450 (1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
13	14	15	16	17	18	19	20	21	22	23
...	4	...	...	...	...	...	4	...	...	...
...	...	...	...	...	...	...	...	...	...	...
...	2	...	..	...	...	...	...	...	...	...
...	2	...	...	...	...	...	2	...	...	...
...	1	...	...	...	...	...	1	...	...	...
...	2	...	...	...	...	...	2	...	...	...
...	1	...	...	...	...	...	1	...	...	...
...	3	...	...	...	...	...	2	1	...	...
...	3	...	...	...	...	...	3	...	...	...
...	18	...	...	...	...	...	15	1	...	...
1	11	...	1	1	...	...	8	2	3	...

IMPERIAL RETURN NO. III—(CRIMINAL).

Miscellaneous proceedings under the Criminal Procedure Code in the Province of Oudh, during the year 1908.

Nature of proceedings.	Total number of cases before the courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.
1	2	3	4	5
1. Proceedings against witnesses under Chapter VI-C and section 485 of Chapter XXXII ...	7	11	7	4
2. Proceedings under Chapter VIII to prevent breach of the peace	377	1,591	927	578
3. Proceedings under Chapter VIII—Security for good behaviour	932	2,311	204	2,023
4. Proceedings against local nuisance, Chapter X ...	211	389	235	135
5. Possession, Chapter XII	88	297	126	142
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, section 250 ...	150	169	4	164
7. Non-attendance of jurors and assessors, Chapter XXIII, section 332	28	32	23	7
8. Maintenance, Chapter XXXVI	726	717	583	124
9. Forfeiture of bail or recognizance under Chapter XLII	129	206	94	102
10. Proceedings under Chapter XLVI, section 563 against convicted offenders released under section 562	48	62	5	56
Total 1908	2,696	5,785	2,208	3,335
Total 1907	2,566	5,159	2,102	2,865

IMPERIAL RETURN No. IV.—(Criminal).

Showing the general result of criminal trials in the tribunals of various classes in the Province of Oudh, during the year 1908.

Class of courts.	Total number of persons under trial.	Persons whose cases were disposed of—											Persons remaining under trial at the close of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.
		Died, escaped or transferred to another province.	Discharged or acquitted.	Convicted.								Committed or referred.				
				On regular trial.				On summary trial.								
				Sentence passed.	Released on probation, section 562, Criminal Procedure Code.	Youthful offenders, dealt with under section 31, Act VIII of 1897.		Sentence passed.	Released on probation, section 562 Criminal Procedure Code.	Youthful offenders dealt with under section 31, Act VIII of 1897.						
						Discharged after admonition.	Delivered to parent or guardian.			Discharged after admonition.	Delivered to parent or guardian.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Subordinate Magistrates. Honorary Magistrates sitting singly ...	8,359	16	6,677	1,536	...	...	...	4	...	...	...	3	123	3,576	13·74	7,346
Subordinate Magistrates. Stipendiary Magistrates sitting singly ...	48,630	57	25,473	15,818	129	9	2	3,986	93	4	2	2,246	811	24,923	11·20	84,691
Subordinate Magistrates. Benches of Magistrates ...	6,864	21	2,803	2,751	...	...	...	1,232	...	...	...	...	57	4,954	5·82	4,159
District and Divisional Magistrates cases referred under sections 347/349, Criminal Procedure Code. ...	961	...	50	820	61	...	...	6	...	...	...	20	4	117	12·18	99
Chief Magistrates of districts ...	419	2	71	166	3	...	1	130	1	...	1	42	2	212	8·32	970
Deputy Commissioners under section 30, Act V of 1898 ...	18	...	3	15	...	...	...	...	...	...	...	...	...	11	16·00	87
Total of Magistracy. 1908	65,251	96	35,077	21,106	193	9	3	5,358	94	4	3	2,311	997	33,793	10·83	97,352
Total of Magistracy. 1907	68,505	74	41,768	18,322	205	12	5	4,844	72	4	1	1,580	1,618	34,058	9·43	86,804
Sessions Judges. 1908	2,777	12	995	1,568	...	1	...	...	...	...	...	...	201	890	46·72	9,842
Sessions Judges. 1907	1,647	14	424	767	...	...	1	...	...	...	...	...	441	537	34·78	5,197

IMPERIAL RETURN No. V.—(CRIMINAL).

Showing punishments inflicted by the various tribunals in the Province of Oudh, during the year 1908.

Class of courts.	Persons sentenced to—								Persons ordered to find or give security or recognizance to keep the peace or security for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishment.																	Number of boys whose sentences were commuted to detention in a Reformatory school.
				Imprisonment.							Fine.									Imprisonment.					Whipping			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.			Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes.	20 stripes.	30 stripes.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Subordinate Magistrates.																												
Honorary Magistrates sitting singly ...	...	...	...	466	98	...	1,040	8	...	...	832	208	...	...	...	...	4,989	4,756	901	234	324	6	...	...	1	6	1	...
Stipendiary Magistrates sitting singly	...	2	...	7,304	499	...	8,784	1,804	2,585	1,986	7,413	1,266	78	27	...	...	66,238	58,108	9,592	1,266	4,057	4,394	72	...	444	1,078	282	5
Benches of Honorary Magistrates...	...	...	...	109	200	...	3,740	...	...	...	3,698	42	...	...	...	...	5,631	5,383	276	238	71	...	...	...	...	...	...	...
District and Divisional Magistrates—referred under sections 347/349 Criminal Procedure Code ...	...	5	...	264	17	...	48	477	97	...	17	29	2	...	...	...	76	46	19	33	118	130	...	...	146	297	34	...
Chief Magistrates of districts ...	..	...	...	90	5	...	83	70	58	37	61	21	..	1	...	...	964	800	45	12	44	63	12	1	18	45	7	...
Deputy Commissioners under section 30, Act V of 1898 ...	...	...	...	14	...	...	1	1	...	...	...	...	..	...	...	1	3,501	1	...	...	2	...	12	...	1	...	...	...
Courts of Session...	70	206	...	1,284	8	...	38	12	72	182	1	22	10	2	1	2	7,432	1,771	225	4	91	209	869	301	2	1	9	1
Total ... 1908	70	213	...	9,531	827	...	13,734	2,372	2,812	2,205	12,022	1,588	90	30	1	3	88,831	70,865	11,058	1,787	4,707	4,802	965	302	612	1,427	333	6
1907	36	123	...	6,426	478	...	14,261	1,706	2,202	1,373	12,704	1,375	125	55	1	1	83,115	72,288	10,753	1,171	3,536	2,903	567	100	342	1,086	278	10

JUDICIAL STATEMENT No. V-A—(CRIMINAL).

Showing the particulars of whippings inflicted by the Criminal tribunals in the Province of Oudh, during the year 1908.

PART I.

Showing whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other punishments.

Offences for which awarded.	No. of persons awarded.			
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	Total.
1	2	3	4	5
IN LIEU OF OTHER PUNISHMENTS. (SECTIONS 2 AND 3, ACT VI OF 1864).				
1. Theft as defined in sections 378 to 382, Indian Penal Code	358	677	115	1150
2. Dishonestly receiving stolen property, as defined in sections 411 and 412, Indian Penal Code	31	100	31	162
3. Lurking house-trespass or house-breaking, as defined in section 454, Indian Penal Code	23	99	20	142
4. Lurking house-trespass or house-breaking by night as defined in section 457, Indian Penal Code	80	330	82	492
5. Lurking house-trespass or house-breaking by night, as defined in sections 444, 446 and 456, Indian Penal Code	43	63	10	116
6. House-breaking, as defined in section 445, Indian Penal Code	10	13	2	25
7. Lurking house-trespass or house-breaking by night, as defined in section 458, Indian Penal Code	...	1	...	1
8. House-trespass, as defined in section 452, Indian Penal Code	...	2	...	2
9. Lurking house-trespass, as defined in section 443 and 453, Indian Penal Code ...	1	...	...	1
10. Criminal trespass, as defined in section 447, Indian Penal Code	1	2	...	3
11. Cheating and dishonestly inducing delivery of property, as defined in section 420, Indian Penal Code	1	...	...	1
12. Offences under section 19, Act XXVII of 1871	34	32	2	68
13. Assault or criminal force to a woman with intent to outrage her modesty, as defined in section 354, Indian Penal Code ..	...	1	...	1
14. Mischief by killing or maiming cattle &c., as defined in section 429, Indian Penal Code...	...	1	...	1
15. Offences under section 52, of Act IX of 1894	...	2	...	2
On 1st conviction	580	1291	244	2115
On re-conviction	2	32	18	52
Total ... 1908 ...	582	1323	262	2167
Total ... 1907 ...	332	974	227	1533

JUDICIAL STATEMENT V-A—(CRIMINAL.)

PART II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864.

Offences for which awarded.	Number of persons awarded.			
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	Total.
1	2	3	4	5
In addition to other punishments.				
(SECTIONS 3 AND 4).				
A.—Section 3.				
1. Theft as defined in sections 378 to 382, Indian Penal Code	3	29	31	63
2. Dishonestly receiving stolen property, as defined in sections 411 and 412, Indian Penal Code	2	3	2	7
3. Lurking house-trespass by night as defined in section 444, Indian Penal Code ...	...	5	1	6
4. House-breaking, as defined in section 445, Indian Penal Code	2	1	2	5
5. House-breaking by night, as defined in section 446, Indian Penal Code	...	15	...	15
6. Lurking house-trespass or house-breaking as defined in section 454, Indian Penal Code.	2	4	5	11
7. Lurking house-trespass or house-breaking by night, as defined in section 457, Indian Penal Code	1	12	14	27
8. Offences under section 19, Act XXVII of 1871	4	35	12	51
B.—Section 4.				
1. Lurking house-trespass or house-breaking, as defined in sections 454—75, Indian Penal Code	...	...	1	1
2. Lurking house-trespass or house-breaking by night as defined in sections 457—75, Indian Penal Code	...	...	1	1
Total ...	14	104	69	187

JUDICIAL STATEMENT No. V-A—(CRIMINAL).

PART III.

Showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in parts I and II.

Offences.	Number of persons awarded.			Total.
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	
1	2	3	4	5
1. False information, as defined in section 182, Indian Penal Code	...	1	..	1
2. Attempt to commit suicide as defined in section 309, Indian Penal Code ...	1	...	...	1
3. Voluntarily causing grievous hurt as defined in section 325, Indian Penal Code ...	1	...	...	1
4. Rape, as defined in section 376, Indian Penal Code	...	...	1	1
5. Unnatural offence, as defined in section 377, Indian Penal Code	1	1	1	3
6. Theft, as defined in sections 378 to 382, Indian Penal Code	3	1	...	4
7. Dacoity, as defined in section 395, Indian Penal Code	...	...	1	1
8. Criminal breach of trust, as defined in section 406, Indian Penal Code	...	1	...	1
9. Criminal breach of trust by clerk or servant, as defined in section 408, Indian Penal Code	1	...	...	1
10. Mischief by killing or maiming cattle &c., as defined in section 429, Indian Penal Code	...	...	1	1
11. Mischief by fire &c., as defined in section 436, Indian Penal Code	1	...	...	1
12. Lurking house-trespass or house-breaking as defined in section 454, Indian Penal Code	2	...	...	2
On 1st conviction	9	4	4	17
On re-conviction	1	...	...	1
Total ... 1908 ...	10	4	4	18
Total ... 1907 ...	8	8	5	21

JUDICIAL STATEMENT No. V-A—(CRIMINAL).

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments.

Punishments.	Number.
1	2
1. Total number of whippings awarded	2,372
2. Total number of other punishments in cases in which whipping might have been awarded	6,629
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)	9,001
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3)	26·35

IMPERIAL RETURN No. VI (CRIMINAL).

Showing the result of appeals and revisions in criminal cases in the Province of Oudh, during the year 1908.

Tribunals.	Total number of appellants or applicants before the courts.	Number of persons.										Average number of days each appeal lasted.	Number of persons dealt with under—		Remarks.
		Died, escaped or transferred to another province.	Appeals or applications rejected.	Sentences or orders confirmed.	Sentences enhanced.	Sentences reduced or otherwise altered.	Sentences reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to High Court.	Pending trial.		Section 106(3) Criminal Procedure Code.	Section 8 clause 2 of the Reformatory Schools Act.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Appeals.															
To Chief Magistrates of Districts. ...	1,928	8	135	1,342	2	88	224	20	31	3	75	12·49	...	...	
To Sessions Courts ...	3,305	12	1,906	700	3	278	311	11	16	2	66	12·58	...	...	
Superior courts. By persons convicted ...	1,278	...	66	785	...	162	190	...	5	...	70	33·86	...	...	
Superior courts. By Government. ...	22	...	...	2	6	...	9	...	5	...	...	12·36	...	...	
Total ... 1908	6,533	20	2,107	2,829	11	528	734	31	57	5	211	17·87	...	...	
Total ... 1907	4,511	12	1,002	2,234	...	490	571	20	44	3	135	12·6	1	...	
Revisions.															
By Chief Magistrates of Districts. ...	72	...	258	242	...	...	2	3	70	4	10	10·37	...	...	Applications by complainants against accused. 216 „ 260 „ 517
By Courts of Session ...	469	3	193	471	...	1	2	...	128	42	13	15·69	...	...	135 „ 150 „ 384
By Superior Courts ...	420	...	70	197	12	52	64	...	14	...	47	20·	...	...	20 „ 20 „ 36
Total ... 1908	961	3	521	910	12	53	68	3	212	46	70	15·36	...	...	371 „ 430 „ 937
Total ... 1907	972	2	969	1,108	1	33	134	10	294	72	73	14·94	...	...	579 „ 602 „ 1,724

IMPERIAL RETURN No. XIII.—(CRIMINAL).

Showing the use of Jurors and assessors in the Criminal Courts in the Province of Oudh, during the year 1908.

Class of courts in which Assessors are employed distinguishing Criminal from Civil Courts.	Established or average number of jurors or assessors in each case and prescribed qualifications.	Number of cases tried by jury.	Number of cases with assessors.	Jury trials.					Assessors' trials.		
				Cases in which the judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the judge disapproved.		Number of cases in which the judge agreed with assessors.	Number of cases in which the judge differed from—	
					Wholly.	Partially.	Whose cases he referred under section 307, Criminal Procedure Code.	Whose cases he did not refer under section 364, Criminal Procedure Code.		One assessor.	Both assessors.
1	2	3	4	5	6	7	8	9	10	11	12
Sessions Judge, Lucknow ...	5 Jurors 2 Assessors	52	107	47	4	1	6	...	84	7	16
,, ,, Sitapur ...	2 Assessors	...	223	...	...	...	...	...	190	22	11
,, ,, Hardoi ...	2 ,,	...	107	...	...	...	...	...	72	8	27
,, ,, Fyzabad ...	3 ,,	...	83	...	...	...	...	...	61	8	14
,, ,, Gonda ...	2 ,,	...	220	...	...	...	...	...	160	39	21
,, ,, Rae Bareli ...	3 ,,	...	70	...	..	...	...	...	56	4	10
Total ... 1908	...	52	810	47	4	1	6	...	623	88	99
Total ... 1907	...	35	474	33	2	...	...	...	339	42	93

NOTE

ON THE

Administration of Criminal Justice

IN THE PROVINCE OF OUDH,

DURING THE CALENDAR YEAR ENDING 31st DECEMBER 1909;

WITH STATEMENTS.

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

ALLAHABAD:
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1910.

Note on the Administration of Criminal Justice in the Province of Oudh, during the calendar year ending 31st December 1909.

1. The Additional Sessions Judge of Lucknow was appointed Additional Sessions Judge of the Hardoi Division, in addition to his ordinary duties, and was able to give the Sessions Judge of Hardoi much-needed assistance by taking the July, September and November sessions. The Additional Sessions Judges of Gonda and Lucknow were occupied for 192 and 130 days, respectively, in criminal work. Both the Assistant Sessions Judges exercised powers under the Code of Criminal Procedure during the year. In addition to these courts, heavy gang dacoity cases in the Bahraich and Unao districts necessitated the further appointment of special Additional Sessions Judges for 4 months and 2 months, respectively. Judicial Statement No. II.

All other arrangements for the administration of criminal justice and for the local limits of jurisdiction of the courts were as in the previous year.

2. There was a general decrease in crime falling under the Penal Code during the year, as shown by the table appended below :— Judicial Statement No. II.

Year.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial.	Number of persons under trial.	Number of persons convicted.
1908 ...	32,187	22,565	23,226	46,274	15,969
1909 ...	27,882	19,651	20,067	40,929	11,327

The offences against property, which were very much in excess of the normal figures in the year 1908, owing to the special circumstances of that year, were reduced during 1909, and it is satisfactory to note that the fall was larger than the previous rise. Theft cases were reduced from 5,421 in 1908 to 3,613 in 1909, while there were 3,959 of such cases during 1907. Similarly, robberies and dacoities dropped from 557 in 1908 to 350 in 1909 as against 447 in 1907, and cases of receiving stolen property from 789 in 1908 to 516 in 1909 as against 549 in 1907.

3. Another satisfactory feature of the year under review is that the other offences which are more common in times of prosperity also showed a tendency to fall, as shown by the statistics of riot (—117), hurt (—454), criminal trespass (—1,374), assault (—194), and mischief (—106). The only appreciable increase was in prosecutions for contempt of the lawful authority of public servants (+422), for insults and annoyances (+66), and for disregard of matrimonial rights (+61). The alterations in the figures for other offences are negligible and call for no comment.

The tide of criminality relating to property ebbed low in the Hardoi, Bahraich and Sitapur districts : the principal offences of theft, robbery and receiving stolen property having fallen as shown below :—

	Theft.	*Robbery.*	*Receiving stolen property.*
Hardoi	—354	—30	—55
Bahraich	—261	—57	—64
Sitapur	—307	—26	—3

The Gonda district showed the largest improvement in crime against the human body (hurt) and public tranquillity (—236 and —54 respectively), and Bahraich in cases for criminal trespass (—227.) Prosecutions for contempt of the lawful authority of public servants were more numerous in all the districts except Bahraich, Lucknow and Sultanpur.

4. The variations in the statistics of the offences under the Code of Criminal Procedure and Special and Local Acts and in the total number of offences of all kinds are shown in the following tables :—

Offences under the Code of Criminal Procedure and Special and Local Laws.

Year.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial.	Number of persons under trial.	Number of persons convicted.
1908 ...	12,360	10,864	11,003	19,485	12,370
1909 ...	12,121	10,714	10,811	18,988	11,569

Total offences under the Penal Code as well as under the Code of Criminal Procedure and Special and Local Laws.

Year.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial.	Number of persons under trial.	Number of persons convicted.
1908 ...	44,547	33,429	34,229	65,759	28,339
1909 ...	40,003	30,365	30,878	59,917	22,896

The fall in the prosecutions under the Special and Local Acts and under the Code of Criminal Procedure is not so marked as in the offences under the Penal Code. Prosecutions under the Cattle Trespass Act increased slightly (+149) on the whole, but the variations in the district figures are perplexing. Fyzabad and Lucknow showed the largest increase (87 and 81 respectively), while Bahraich, which is more agricultural than either of the above two districts, showed no prosecutions at all under the Act during the year, although 129 such cases were reported during 1908. The variations in the offences under the other Acts only represent the varying degree of severity with which the individual Acts were enforced by district authorities according to the conditions of each district.

5. The crime before the Courts of Session generally decreased during the year; the number of cases committed to session fell from 865, involving 2,330 persons, to 560 such cases, involving 1,296 persons. The commitments fell in all the sessions divisions, especially in Gonda (101) and Sitapur (90), but the commitments in those divisions are still numerically very high as compared with other divisions. The volume of serious crime in the Bahraich district, though showing a tendency to fall, was still above the normal and provided a heavy tale of work for the Additional Sessions Judge, who is working at the headquarters of the district. A special Judge was deputed in addition for a period of four months during the year for the trial of gang dacoity cases, committed from the district, in which a large number of persons was involved. These cases were disposed of in May. For a single gang case from Unao in which 32 persons were involved another special Judge was required who took two months to decide it.

Judicial Statement No. IIA.

6. Twenty-four European British subjects were prosecuted during the year as against 18 in the previous year. Cases of 22 persons, as against 16 in the previous year, were disposed of by Magistrates, and all of them resulted in conviction. Two persons were committed to the Courts of Session, out of whom one was convicted and the other transferred to the Allahabad High Court for trial.

Judicial Statement No. III.

7. Proceedings taken to prevent breaches of the peace slightly increased, and 630 persons were bound over as against 578 in the previous year; while security for good behaviour was demanded from 1,799 persons only as against 2,023 in 1908; 1,212 in 1907 and 1,049 in 1906.

The number of persons who were ordered to give security under sections 109 and 110, Code of Criminal Procedure, decreased in Sitapur from 462 to 264 during the year. The number is still high as compared with the figures returned by other districts. But Sitapur has an unenviable notoriety, and so long as the crime of dishonestly receiving stolen property continues to flourish there, the District Magistrate must be guided by his discretion as to a proper use of these preventive sections. In the Gonda district the use of these sections increased, and 271,

as against 90, persons were ordered to furnish security. The decrease of cases for bad livelihood in Bahraich (146 as against 202 persons) is due to a number of bad characters having been dealt with in the gang dacoity cases in recent years. The decrease in Kheri from 171 to 103 is ascribed to the exercise of a wiser discretion during the year.

Frivolous and vexatious complaints were even less vigorously dealt with during the year than in 1908. One hundred and seventeen cases as against 150, in which 148 persons as against 169 were concerned, were dealt with during the year. Out of these, only 138 persons as against 164 were ordered to pay compensation under section 250 of the Code. The amount of fines imposed fell from Rs. 1,872 to Rs. 1,465. The fact that most of the Magistrates in the province have taken no advantage of these provisions of the law for discouraging false charges, conclusively points to the inference that a proper use of the section was not made during the year. This is a matter which requires the attention of the District Magistrates.

8. The total number of cases disposed of by Magistrates fell from 33,793, in which 64,254 persons were involved, to 30,263, in which 58,455 persons were concerned. Out of these, 22,063 persons were convicted as against 26,770, a percentage of 38 as against 42 in 1908. **Judicial Statement No. IV.**

The percentage of convictions slightly rose in Lucknow and Partabgarh, rising in the former from 64 to 66 and in the latter from 23 to 24. All the other districts showed a fall, which is marked in Kheri (—13), Bahraich (—10), Sitapur and Hardoi (—7 each). Lucknow (66) and Bara Banki (50) again headed the list, and, similarly, Partabgarh (24) and Sultanpur (25) returned the lowest figures for the third year in succession. The percentage of Unao was reduced to the level of Sultanpur and fell from 28 to 25. The figures for the other districts vary from 45 in Sitapur to 30 in Gonda.

The fall in the percentage of convictions is chiefly in petty offences against property in some districts and in compoundable assault and hurt cases in others.

9. The percentage of convictions in the Courts of Session was nearly stationary, being 59 as against 60. Variations in individual courts are to be expected, the cases for adjudication in each court being by no means uniform in quantity or quality.

10. The Honorary Magistrates disposed of 4,028 cases as against 3,576, and the Bench Magistrates 5,164 as against 4,954.

The Bench Magistrates in Lucknow rendered very material assistance to the district staff by disposing of a large number of cases, though of a trivial nature, and Raja Shaban Ali Khan, Honorary Magistrate of Salempur, was again able to do excellent work during the year.

All the Bench and Honorary Magistrates in the Bara Banki district are well spoken of, especially the Raja of Jehangirabad, who was invested with first class powers during the year.

Kunwar Durga Prasad of Sandila, in the Hardoi district, is a very able and industrious Magistrate.

Chaudhri Mahendra Singh, Rai Bahadur, Honorary Magistrate of Bangarmau, in the Unao district, did very useful work by disposing of 416 cases during the year.

Considerable assistance was received from the Honorary Magistrates in the Fyzabad, Bahraich, Rae Bareli and Partabgarh districts. Babu Inder Dat Singh (of Fyzabad), who decided 579 cases, deserves to be specially mentioned. The services of Thakur Lal Bahadur Singh in Bahraich were recognised by Government by conferment of the title of 'Rai Bahadur' on him during the year. Raja Partab Bahadur Singh, C.I.E., and Thakur Raghunath Singh of the Partabgarh district, did excellent work and the number of sentences passed by them, which were reversed or modified on appeal, was very small.

A large number of cases was again decided by the Bench Magistrates in Lucknow (1,807), Hardoi (753), Rae Bareli (588) and Fyzabad (556), as in the previous year.

11. It is satisfactory to note that the number of cases decided after a pendency of more than six weeks by Magistrates dropped from 1,042 to 657. The appreciable decrease was in Sitapur, where the number of such cases decreased from 296 to 92, in Hardoi, where they fell from 141 to 67, in Gonda from 181 to 111,

in Bara Banki from 56 to 3, and in Fyzabad from 109 to 59. Sultanpur also showed a slight improvement from 18 to 15. There was an increase in Bahraich from 93 to 116, in Partabgarh from 49 to 71, in Lucknow from 48 to 58, and in Rae Bareli from 21 to 31. Kheri was nearly stationary, 31 as against 30, and Unao returned 3 such cases during the year, while there were none in 1908.

12. The provincial average duration of cases disposed of by Magistrates fell from 10 to 9 days. The longest time was taken in the trial of important cases dealt with by Deputy Commissioners under the provisions of section 30 of the Code of Criminal Procedure and the average duration of such cases was 17 days. The next highest duration (13 days) was returned by the Courts of District Magistrates.

The duration varies from 5 days in Lucknow and Rae Bareli to 13 days in Bahraich where the serious nature of crime in the two successive years necessitated a very high average. On the whole, the average duration according to districts is not unsatisfactory, but there is still much room for improvement in several individual courts where the period during which each case lasted was unnecessarily long.

13. The cases which lasted longer than six weeks in the Courts of Session decreased from 264 to 123. There were 59 such cases in the Court of Session for the Gonda sessions division. Out of these, 6 were contributed by the Gonda and the remaining 53 by the Bahraich district. The delay is chiefly due to a rush of complicated dacoity and murder cases which upset the cause lists of both the Judge and the Additional Judge to some extent. The number of cases in other courts is not very large and calls for no comments.

14. The average duration of sessions trials fell from 46 to 39 days. It is still high and is probably due to the nature of work which came before the courts during 1909.

Judicial Statement No. V.

15. The percentage of solitary confinements awarded by Magistrates to sentences of rigorous imprisonment passed during the year fell from 18 to 16 for the whole province. The largest decline was in Sitapur, Sultanpur, Gonda and Rae Bareli (—10 in each district). The greatest increase was in Bara Banki, Hardoi and Fyzabad (+9 in each district). Partabgarh again returned the highest percentage, though the figure fell from 42 to 34. Rae Bareli after showing an increase (20) in 1908 again returned the lowest figure (10) in the year under review. The percentages are more evenly distributed among the districts as compared with the previous two years; most of them ranging from 12 to 19.

Among the Courts of Session, this form of punishment was awarded in cases of 5, 3 and 6 persons only in the sessions divisions of Fyzabad, Gonda and Rae Bareli, respectively—very low figures in themselves and by comparison with the former year. The other Judges at Lucknow, Sitapur and Hardoi continued to make full use of this form of sentence.

Judicial Statement No. V A, Part IV.

16. The total number of persons to whom the punishment of whipping was awarded fell from 2,372 to 1,241 during the year, but the percentage of this form of punishment to the total number of all other kinds of punishments in cases in which whipping might have been awarded was nearly the same as in the previous year, being 25·26 as against 26·35. The result, therefore, shows only a slight decrease on the whole in the infliction of whipping during the year.

The only appreciable decrease in the percentage was in Lucknow (—13), Kheri (—12) and Partabgarh (—10). Lucknow, though showing a decline from 54 to 41, still returned a comparatively higher percentage. The punishment was more freely resorted to in Bara Banki, Rae Bareli and Lucknow than in the remaining districts where whipping appears to have been inflicted on much the same principle.

The decrease in this form of punishment was chiefly due to the decline in petty theft cases and partly to the disinclination of some Magistrates to sentences of whipping.

Judicial Statement No. V and Table D.

17. The amount of fines imposed by all classes of courts was reduced from Rs. 88,831 to Rs. 83,701: out of which Rs. 74,737 was realised as against Rs. 70,865. The outstanding balance during the year was, therefore, Rs. 8,964 only as against Rs. 17,966 in the previous year: a more satisfactory position.

The fines imposed by the Courts of Session decreased from Rs. 7,432 to Rs. 1,817 only, and the amount realized from Rs. 1,771 to Rs. 1,501. The uncollected

balance was proportionately lower than that in the previous year, and it is difficult to understand from these results on what principle the Judges used their discretion.

18. The total number of appellants and applicants before the Courts of Session and Magistrates during the last four years is compared in the following table :— Judicial Statement No. VI.

	Appellants.		*Applicants for revision.*	
	Before Courts of Session.	Before Magistrates.	Before Courts of Session.	Before Magistrates.
1906 ...	2,207	1,984	491	237
1907 ...	2,053	1,885	447	98
1908 ...	3,305	1,928	469	72
1909 ...	2,194	1,419	582	298

The average duration of appeals before Magistrates was stationary (12 days), but it fell in the Courts of Session from 12 to 10 days.

The percentage of accused persons, against whom the sentences passed by original courts were confirmed on appeal by Magistrates, fell from 76 to 71, and by Sessions Judges rose from 78 to 79.

19. The business of the Court on the criminal side was considerably smaller than in 1908, an abnormal year with a heavy outburst of crime, but the file was still heavier than in normal years. The work during the last four years is compared in the following table :— Judicial Commissioner's Court.

Cases.	Total number before the Court				Number decided.			
	1906.	1907.	1908.	1909.	1906.	1907.	1908.	1909.
Murder cases ...	41	29	40	31	41	29	37	29
Criminal appeals ...	435	523	1,139	609	417	499	1,080	567
Revision cases ...	273	285	369	379	257	281	328	370

The Court was working with two Judges instead of three for more than four months, but special arrangements were made to dispose of the criminal work without delay: and the average duration of appeals of accused persons rose only to 34 days, against 33 days in 1908.

Out of the total number of appellants and applicants for revision whose cases were disposed of, aggregating to 1,248, sentences and orders of the courts below were confirmed in the cases of 853 persons. The corresponding figures for the previous year were 1,581 and 1,118, respectively, excluding the persons involved in appeals from acquittals. There was a slight increase (73 as against 70) in the percentage of unsuccessful appellants on the number of appellants whose cases were disposed of.

20. With the decrease in crime the number of witnessess ummoned by Magistrates fell from 104,046 to 85,998, as would be expected, and the number of witnesses examined by them from 97,352 to 80,673. The number of witnesses, who were discharged after the second day, fell from 3,484 to 2,824. Table C.

Steps taken during the previous three years for the preparation of the statistics relating to witnesses with more care and accuracy have perhaps resulted in arriving at more reliable figures during the year, but a scrutiny of the figures shows that the returns are not yet sufficiently accurate to form the basis of any inference. The returns relating to the Benches of Magistrates, in particular, are most unsatisfactory. The District Magistrate of Lucknow considered it probable that the witnesses who were summoned, but were not examined, were not shown at all in the registers. The matter deserves the closer attention of all the presiding officers, and their attention will again be drawn to this unsatisfactory feature.

The number of witnesses examined in the Courts of Session fell from 9,842, to 6,369, but the number is larger than that in 1907 when 5,197 witnesses only were examined. The gang dacoity cases and the other cases of intricate nature in Gonda, Bahraich, Unao and Fyzabad were chiefly responsible for the larger number of witnesses examined.

The percentage of witnesses discharged after the first day by Magistrates improved chiefly in Bara Banki (from 65 to 84) and Lucknow (from 90 to 95).

The best results were shown in Lucknow (95), Fyzabad (93), Gonda (92) and Bahraich, Rae Bareli and Partabgarh (90 each). The lowest percentage was returned by Unao (78). The percentage in the remaining districts was between 82 in Sitapur and 89 in Kheri and Hardoi.

Out of 80,673 witnesses who were examined by Magistrates, payments were made to 39,389 witnesses, as against 50,789 out of 97,352, who were examined in 1908. The amount paid fell from Rs. 31,770 to Rs. 25,133. The average amount of expenses paid to each witness in the province was 10 annas 3 pies, as against 10 annas in 1908. The district averages range from 7 annas 4 pies in Kheri to 13 annas 6 pies in Fyzabad.

21. The general result of the work of the Subordinate Magistrates during 1909 is on the whole satisfactory. Mr. Bower, the late District Magistrate of Sitapur, has remarked that the instructions given by him to the Subordinate Magistrates were either forgotten or deliberately disregarded since he left the district. The supervision of the work of Subordinate Magistrates by the District Magistrates is a question of considerable importance. Continuity of action in magisterial work subject to instructions laid down in various Government Orders is extremely necessary. It is not the duty of the District Magistrate to recommend one course of procedure or one form of punishment, but it is his duty to see that each and every member of the magisterial staff keeps before him in the disposal of his judicial work every course which can be legally adopted and every punishment which can be legally inflicted, so that the orders of Government laid down for their guidance can be carried out with some kind of continuity.

The returns in many cases show an abnormal use or an abnormal omission to use many of the recognised courses. During 1909 no use was made of section 31 of the Reformatory Schools Act (VIII of 1897) in any district except Lucknow. Bara Banki, Kheri, Hardoi and Bahraich have made no use of this section during the last four years. Sultanpur, Unao and Sitapur have used it once each since January 1st, 1906. Gonda had 1 case in 1907 and 9 cases in 1908, but none in 1906 or 1909.

The slow but steady extension of the use of section 562 of the Code of Criminal Procedure was mentioned with gratification in last year's report. During 1909 the employment of the section fell by 47 per cent. from its use in 1908, and 18 per cent. from its use in 1905. Unao and Gonda, as formerly, make least use of the section.

In the treatment of frivolous complaints also considerable variations occur. Unao with a very low percentage of convictions in magisterial courts has also a very low percentage of complaints dismissed under section 203 of the Code of Criminal Procedure, but tries to equalise matters by a free use of section 250 of the Code of Criminal Procedure, under which section during the last two years 28 per cent. of the total fines imposed in the province have been imposed in this one district. The average amount of fine imposed in the case of each person in Unao is Rs. 14. Gonda which also uses section 250 of the Code of Criminal Procedure freely only reaches an average fine of Rs. 5-12-0 per case. The figures in Partabgarh show a high percentage of dismissals under section 203 of the Code of Criminal Procedure. The average of Rs. 19 of fines inflicted under section 250, coupled with a low percentage of magisterial convictions, indicates that the Magistrates in this district exact a high standard of proof before they convict and are anxious to repress frivolous complaints with severity.

Sentences of solitary confinement vary according to the personal views of the individual Magistrates. Several Magistrates go through the year without sentencing a single prisoner to solitary confinement in addition to rigorous imprisonment. In Fyzabad, of four First Class Magistrates, two hardly ever inflicted the punishments either of solitary confinement or whipping, one frequently inflicted whipping but solitary confinement rarely; and the fourth rarely inflicted whipping but solitary confinement frequently. In Sitapur one Magistrate added solitary confinement to rigorous imprisonment in two cases out of three; another Magistrate passed 349 sentences of rigorous imprisonment without solitary confinement and only added solitary confinement in 9 cases. In Lucknow one Magistrate sentenced 3 persons out of 7 to rigorous imprisonment with solitary confinement; his successor's proportion dropped to 1 in 14. In Kheri only one Magistrate made at all a free use of this power. In Sultanpur and Hardoi the sentences of solitary confinement were few

but evenly distributed, in Unao and Rae Bareli very few. Partabgarh again shows its good result in a generally distributed and fairly high proportion of such sentences. Among the Honorary Magistrates, Raja Shaban Ali Khan (Salempur), Raja Partab Bahadur Singh, C.I.E. (Partabgarh), Kunwar Durga Prasad (Sandila) and Chaudhri Mahendra Singh (Unao), use this form of punishment sufficiently often to suggest that they realize its value.

DATED LUCKNOW:
The 13th August, 1910.

L. G. EVANS, I.C.S.,
Officiating Judicial Commissioner of Oudh.

Accompaniments :—

Imperial Returns Nos. I, II, IIA, III, IV, V, VA, VI and XIII, and Provincial Tables A, B, C, D, E, and F.

[Maximum number of pages of the report (excluding statistics) as fixed by the Government of India—10.]

IMPERIAL RETURN No. I.—(CRIMINAL.)

Showing the number of judicial divisions and the number of officers exercising original and appellate jurisdiction in the Province of Oudh, during the year 1909.

Name of province.	Area.	Population.	Number of divisions for courts under chief courts but superior to chief courts of districts.	Number of districts.	Judges of chief court of province.	Total number of officers exercising original or appellate jurisdiction.				Total number of cases decided.				Total receipts of the courts.	Total charges of the courts.	Remarks.		
						Judges of other courts superior to chief district courts.	Judges of chief courts of districts.	Judges of district courts other than chief courts.	Judges of other subordinate courts.	Original		Appellate.						
										Regular.	Miscellaneous	Regular.	Miscellaneous.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17		
														Rs. a. p.	Rs. a. p.	Grades of judicial officers.	Europeans.	Natives.
Territory subject to the Judicial Commissioner of Oudh.	23,966 sq. m.	12,833,077	6	12	3	13	12	67	173	30,862	2,650	3,365	960	19,07,346 0 0	23,22,938 0 0	Officers exercising both original and appellate jurisdiction. — Judicial Commissioners ...	3	...
																Officers exercising both original and appellate jurisdiction. — District and Sessions Judges ...	9	2
																Officers exercising both original and appellate jurisdiction. — Assistant Sessions Judges ...	1	1
																Officers exercising both original and appellate jurisdiction. — Deputy Commissioners ...	11	1
																Officers exercising original jurisdiction only. — Assistant Commissioners ...	13	1
																Officers exercising original jurisdiction only. — Deputy Collectors	2	48
																Officers exercising original jurisdiction only. — City and Cantonment Magistrates	3	...
																Officers exercising original jurisdiction only. — Tahsildars ...	...	43
																Officers exercising original jurisdiction only. — Honorary Magistrates ...	4	126
Total, 1908	23,966 sq. m.	12,833,077	6	12	3	12	12	69	174	34,683	2,684	5,195	845	18,29,527 8 9	21,57,325 9 11			

For Home and Agricultural Departments.

	Europeans.	Natives.
Judicial Commissioners	3	...
District and Sessions Judges	9	2
Assistant Sessions Judges	1	1
Deputy Commissioners	11	1
Assistant Commissioners	13	1
Deputy Collectors	2	48
City Magistrate	1	...
Cantonment Magistrates	2	...
Tahsildars	...	43
Honorary Magistrates	4	126

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1909.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Indian Penal Code.								
Offences against the public tranquillity, Chapter VIII	350	237	257	2,133	682	1,314	57	80
Offences by or relating to public servants, Chapter IX	54	24	26	41	24	17	...	...
Contempt of the lawful authority of public servants, Chapter X ...	871	786	800	1,259	582	657	6	14
False evidence and offences against public justice, Chapter XI ...	304	275	290	398	131	249	...	18
Offences relating to coin and Government stamps, Chapter XII ...	29	28	36	50	6	44	...	...
Offences relating to weights and measures, Chapter XIII ...	22	20	20	23	8	14	...	1
Offences affecting the public health, safety, convenience, decency and morals, Chapter XIV	187	165	165	245	71	163	...	11
Offences relating to religion, Chapter XV	46	19	19	54	30	24	...	...
Offences affecting the human body, Chapter XVI. — Offences affecting life ...	468	439	458	702	273	381	4	44
Causing miscarriage, injury to unborn children, exposure of infants and the concealment of births...	50	44	46	68	25	40	1	2
Hurt	1,0257	7,306	7,416	16,779	14,652	1,776	15	366
Wrongful restraint and wrongful confinement	238	106	106	228	196	21	...	11
Criminal force and assault ...	1,513	955	972	2,243	1,949	237	...	57
Kidnapping or forcible abduction, slavery, forced labour, and buying or selling a minor for the purpose of prostitution ...	159	76	78	136	75	49	...	12
Rape	55	39	41	43	16	24	...	3
Unnatural offence	8	8	8	9	3	6	...	...
Offences against property, Chapter XVII. — Theft	3,613	2,855	2,909	4,343	1,452	2,774	6	111
Extortion	229	79	85	185	159	16	...	10
Robbery and dacoity ...	350	264	287	970	530	343	6	91
Criminal misappropriation of property	82	59	58	76	35	41	...	...
Criminal breach of trust ..	395	204	217	248	106	119	5	18
Receiving or habitually dealing in stolen or plundered property...	516	503	521	752	181	546	1	24
Cheating	485	246	254	422	192	208	2	20
Fraudulent deeds or disposition of property	8	4	4	9	...	9	...	...
Mischief	1,400	868	882	2,103	1,805	224	1	73
Criminal trespass	3,954	2,916	2,966	5,806	3,793	1,850	6	157
Offences relating to documents and to trade or property marks, Chapter XVIII	68	43	49	55	27	26	...	2
Criminal breach of contracts of service, Chapter XIX	6	3	3	4	4	...	...	...
Offences relating to marriage, Chapter XX	1,460	798	809	1,041	890	113	2	36
Defamation, Chapter XXI ...	375	153	154	260	237	19	1	3
Criminal intimidation, insult and annoyance, Chapter XXII	330	129	131	244	220	23	...	1
Total under the Indian Penal Code. 1909	27,882	19,651	20,067	40,929	28,354	11,327	113	1,135
1908	32,187	22,565	23,226	46,274	29,252	15,969	82	971

IMPERIAL RETURN No. II—(CRIMINAL)—(concluded).

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh, during the year 1909.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons— Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.
1	2	3	4	5	6	7	8	9
Code of Criminal Procedure, 1898.								
Chapter VIII. Sections 107, 112 to 119—Security for keeping the peace ...	1,063	408	426	1,771	1,086	630	1	54
Chapter VIII. Sections, 109, 110, 112 to 119—Security for good behaviour ...	963	921	938	2,050	197	1,799	3	51
Special and Local Laws.								
Arms Act, XI of 1878 and XI of 1882,	50	49	50	53	8	41	...	4
Cantonments Act, XIII of 1889 ..	674	657	657	1,092	105	985	...	2
Cattle Trespass Act, I of 1889 (amended by Act I of 1891)	2,047	1,569	1,578	4,213	3,812	361	2	38
Companies, Indian——Act VI of 1882 (amended by Act VI of 1887) ...	155	127	128	267	245	22	...	...
Court Fees Act, VII of 1870 (amended by Acts VI of 1887, XXI of 1891 and XII of 1895)	1	1	1	1	...	1	...	...
Criminal Tribes and Eunuchs Act, XXVII of 1871 (amended by Act II of 1897)	222	222	225	226	2	217	2	5
Cruelty to Animals Act, XI of 1890 ...	58	58	58	67	7	60	...	...
Emigration Act, XXI of 1883 ...	5	5	5	10	4	6	...	...
Excise on Spirits and Drugs Act, XXII of 1881 (amended by Act XII of 1896)	269	265	266	339	71	266	...	2
Factories Act, XI of 1891 ...	2	2	2	2	1	1	...	...
Ferries Act, XVII of 1878 (amended by Act III of 1886)	45	40	42	203	168	27	...	8
Forests Act, VII of 1878 (amended by Act V of 1890)	34	33	34	66	36	30	...	..
Gaming and Lotteries Act, III of 1867,	69	68	69	411	87	317	...	7
Hackney Carriages Act, XIV of 1879,	404	384	386	522	65	451	...	6
Indian Explosives Act, IV of 1884 ...	5	5	5	6	...	6	...	...
Lodging Houses Act, I of 1902 (N.-W. P. and Oudh)	12	11	11	12	4	8	...	...
Municipal Bye-Laws Act, XV of 1883	2,756	2,706	2,724	3,084	536	2,529	2	17
Opium Act, I of 1878	81	78	80	91	19	71	...	1
Petroleum Act, VIII of 1899 ...	1	1	1	1	...	1	...	...
Poisons Act, I of 1904	8	8	8	10	1	9	...	...
Police District Act, V of 1861 ...	2,015	2,008	2,015	2,993	307	2,676	...	10
Police Town Act, XX of 1856 ...	1	1	1	1	...	1	...	...
Police Road and Village Act, XVI of 1873	5	5	5	7	1	6	...	...
Printing Presses Act, X of 1890 and XII of 1891	...	...	1	1	...	1	...	...
Prisons Act, IX of 1894 (amended by Act XIII of 1898)	1	1	1	1	...	1	...	...
Railways Act, IX of 1890 (amended by Act IX of 1896)	304	295	300	423	59	360	...	4
Registration Act, III of 1877 (amended by Act II of 1886)	1	1	1	2	...	2	...	...
Salt and Saltpetre Act, XII of 1882 ...	7	7	7	7	...	7	...	...
Sanitation Act, III of 1892 (North-Western Provinces and Oudh) ...	145	145	145	355	22	330	2	1
Stage Coaches Act, XVI of 1861 (amended by Act I of 1898)	46	46	46	53	7	46	...	...
Sarais and *Paraos* Act, XXII of 1867,	1	1	1	1	...	...	...	1
Stamps Act, II of 1899	213	208	215	266	16	241	2	7
Vaccination Acts, XIII of 1880 and I of 1892	439	362	362	363	319	44	...	...
Village Police Act, XVII of 1876 ...	19	16	17	18	2	16	...	...
Total under the Code of Criminal Procedure, 1898, and under Special and Local Laws. 1909	12,121	10,714	10,811	18,988	7,187	11,569	14	218
1908	12,360	10,864	11,003	19,485	6,820	12,370	24	271
GRAND TOTAL ... 1909	40,003	30,365	30,878	59,917	35,541	22,896	127	1,353*
1908	44,547	33,429	34,229	65,759	36,072	28,339	106	1,242

* Includes 2 cases with 2 persons referred to Sessions Judge for enhancement of punishment.

JUDICIAL STATEMENT

Showing the general result of the trial of European British

Description of offence.		Persons whose cases were disposed of—										
		By District Magistrates and other 1st class Magistrates.				By Courts of Session.			By High Court.		Total for all Courts.	
		Convicted.	Acquitted or discharged.	Committed		Convicted.	Acquitted or discharged	Transferred to High Court under section 449(2) of the Code.	Convicted.	Acquitted.	Convicted.	Acquitted or discharged.
				To Courts of Session.	To High Court.							
1		2	3	4	5	6	7	8	9	10	11	12
Offences by or relating to public servants, Chapter IX, Indian Penal Code.	Wearing garb or carrying token used by public servant with fraudulent intent ...	1	...	...	...	...	...	...	...	...	1	...
	Theft in dwelling-house, &c. ...	10	...	...	...	...	...	...	...	...	10	...
	Dishonest misappropriation of property ...	1	...	...	...	...	...	...	...	...	1	...
	Criminal breach of trust ...	8	...	...	...	...	...	...	...	...	8	...
Offences against property, Chapter XVII, Indian Penal Code./ Offences relating to Documents and to Trade or Property Marks, Chapter XVIII, Indian Penal Code.	Cheating and dishonestly inducing delivery of property ...	1	...	1	...	1	...	...	...	...	2	...
	Cheating and dishonestly inducing delivery of property./Fraudulently or dishonestly using as genuine a forged document ...	...	...	1	...	...	...	1	...	...	...	...
	Lurking house-trespass or housebreaking by night in order to commit offence punishable with imprisonment ...	1	...	...	...	...	...	...	...	...	1	...
Total	1909 ...	22	...	2	...	1	...	1	...	...	23	...
	1908 ...	11	5	2	...	...	...	2	...	...	11	5

No. II(A)—(CRIMINAL.)

subjects in the Province of Oudh, during the year 1909.

Of the total number of persons shown in—										
Columns 2 to 5.			Columns 6 to 8.		Columns 6 to 10.		Columns 11 and 12. Number whose cases were disposed of by—			
							Magistrates.		Sessions Judges.	
Number who claimed to be tried by a mixed jury, section 451(1) of the Code.	Number who did not so claim.	Number of those in column 13 whose cases were transferred under section 451(9) of the Code.	Number who claimed a mixed number of assessors, section 450(2) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury section 450(1) of the Code.	Number who did not so claim.	Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
13	14	15	16	17	18	19	20	21	22	23
...	1	...	...	...	...	...	...	1	...	...
...	10	...	...	...	...	...	10	...	...	...
...	1	...	...	...	...	...	1	...	...	...
...	8	...	...	...	...	...	8	...	...	...
...	2	...	...	1	...	...	1	...	1	...
...	1	...	...	...	...	...	...	...	...	...
...	1	...	...	...	...	...	1	...	...	...
...	24	...	...	1	...	...	21	1	1	...
...	18	...	...	...	...	...	15	1	...	...

IMPERIAL RETURN NO. III—(CRIMINAL).

Miscellaneous proceedings under the Code of Criminal Procedure in the Province of Oudh, during the year 1909.

Nature of proceedings.	Total number of cases before the courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.
1	2	3	4	5
1. Proceedings against witnesses under Chapter VI-C and section 485 of Chapter XXXII...	10	18	15	3
2. Proceedings under Chapter VIII to prevent breach of the peace	426	1,771	1,087	630
3. Proceedings under Chapter VIII, security for good behaviour	938	2,050	200	1,799
4. Proceedings against local nuisances, Chapter X	237	494	266	198
5. Possession, Chapter XII	97	243	116	121
6. Frivolous or vexatious accusations summarily dealt with under Chapter XX, section 250 ...	117	148	7	138
7. Non-attendance of jurors and assessors, Chapter XXIII, section 332	18	19	12	6
8. Maintenance, Chapter XXXVI	689	688	550	124
9. Forfeiture of bail or recognizance under Chapter XLII	116	147	68	73
10. Proceedings under Chapter XLVI, section 563, against convicted offenders released under section 562	4	4	...	4
Total 1909	2,652	5,582	2,321	3,096
Total 1908	2,696	5,785	2,208	3,335

IMPERIAL RETURN No. IV—(CRIMINAL.)

Showing the general result of criminal trials in the tribunals of various classes in the Province of Oudh, during the year 1909.

Class of Courts.	Total number of persons under trial.	Persons whose cases were disposed of.										Committed or referred.	Persons remaining under trial at the close of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.
		Died, escaped or transferred to another province.	Discharged or acquitted.	Convicted												
				On regular trial.				On summary trial.								
				Sentence passed.	Released on probation, section 562, Code of Criminal Procedure.	Youthful offenders dealt with under section 31, Act VIII of 1897.		Sentence passed.	Released on probation, section 562, Code of Criminal Procedure	Youthful offenders dealt with under section 31, Act VIII of 1897.						
						Discharged after admonition.	Delivered to parent or guardian.			Discharged after admonition.	Delivered to parent or guardian.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Subordinate Magistracy. — Honorary Magistrates sitting singly ...	9,105	8	7,368	1,482	...	...	...	6	...	...	...	4	237	4,028	11·73	8,258
Subordinate Magistracy. — Stipendiary Magistrates sitting singly ...	42,496	112	24,737	11,364	79	...	6	3,894	52	30	1	1,257	964	20,823	9·74	67,223
Subordinate Magistracy. — Benches of Magistrates ...	7,445	1	2,707	2,614	...	...	...	2,058	...	...	...	...	65	5,164	5·26	3,951
District and Divisional Magistrates—cases referred under sections 347/349, Code of Criminal Procedure ...	307	...	22	259	15	...	...	1	...	...	...	...	10	74	4·17	32
Chief Magistrates of Districts ...	358	2	120	126	3	...	...	52	2	...	...	52	1	158	13·1	1,072
Deputy Commissioners under section 30, Act V of 1898 ...	22	...	2	19	...	...	...	...	...	...	...	...	1	16	17·93	137
Total of Magistracy. — 1909	59,733	123	34,956	15,864	97	...	6	6,011	54	30	1	1,313	1,278	30,263	9·25	80,673
Total of Magistracy. — 1908	65,251	96	35,077	21,106	193	9	3	5,358	94	4	3	2,311	997	33,793	10·83	97,352
Sessions Judges. — 1909	1,497	4	585	833	...	...	...	...	...	...	...	...	75	599	39·48	6,369
Sessions Judges. — 1908	2,777	12	995	1,568	...	1	...	...	...	...	...	...	201	890	46·72	9,842

IMPERIAL RETURN No. V.—(CRIMINAL.)

Showing punishments inflicted by the various criminal tribunals in the Province of Oudh, during the year 1909.

Class of courts.	Persons sentenced to—								Persons ordered to find or give security or recognizance to keep the peace or security for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishment.																Number of boys whose sentences were commuted to detention in a Reformatory School.
				Imprisonment.							Fine.									Imprisonment.					Whipping.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.			Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes.	20 stripes.	30 stripes.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs.	Rs.	Rs.									
Subordinate Magistrates. Honorary Magistrates sitting singly ...	...	...	...	513	58	...	1,025	9	...	...	878	144	2	1	...	...	6,460	5,647	1,040	193	349	29	...	...	3	6	...	...
Stipendiary Magistrates sitting singly.	...	...	...	4,795	278	...	7,372	1,073	2,466	1,790	5,848	1,437	75	12	...	...	67,941	60,581	8,491	671	2,772	3,358	62	...	272	619	182	4
Benches of Honorary Magistrates...	...	...	...	98	29	...	4,562	...	...	...	4,493	68	1	...	...	...	6,509	6,181	292	71	56	...	...	...	...	...	...	...
District and Divisional Magistrates—Cases referred under sections 347/349, Code of Criminal Procedure.	...	...	...	58	3	...	10	132	16	...	6	4	...	...	...	...	85	105	10	9	39	13	...	...	47	79	6	...
Chief Magistrates of Districts ...	...	...	...	67	3	...	60	13	47	40	46	11	3	...	...	...	889	722	946	4	48	47	11	...	4	9	...	...
Deputy Commissioners under section 30, Act V of 1898... ...	...	...	...	19	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	16	...	...	...	...	...
Courts of Session.	42	111	..	669	6	...	31	14	27	79	4	19	3	5	...	...	1,817	1,501	257	6	53	131	456	108	1	3	10	...
Total ... 1909	42	111	...	6,219	377	...	13,060	1,241	2,556	1,909	11,275	1,683	84	18	...	...	83,701	74,737	11,036	954	3,317	3,581	545	108	327	716	198	4
1908	70	213	...	9,531	827	...	13,734	2,372	2,812	2,205	12,022	1,588	90	30	1	3	88,831	70,865	11,058	1,787	4,707	4,802	965	302	612	1,427	333	6

JUDICIAL STATEMENT No. V-A—(CRIMINAL.)

Showing the particulars of whippings inflicted by the criminal tribunals in the Province of Oudh, during the year 1909.

PART I.

Showing whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other punishments.

Offences for which awarded.	Number of persons awarded			
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	Total.
1	2	3	4	5
In Lieu of other Punishments. (SECTIONS 2 AND 3 OF ACT VI OF 1864.)				
1. Theft, as defined in sections 378 to 382, Indian Penal Code	235	413	86	734
2. Dishonestly receiving stolen property, as defined in sections 411, 412 and 414, Indian Penal Code	6	38	12	56
3. Lurking house-trespass or house-breaking, as defined in section 454, Indian Penal Code	21	40	7	68
4. Lurking house-trespass or house-breaking by night, as defined in section 457, Indian Penal Code	46	120	53	219
5. Lurking house-trespass or house-breaking by night, as defined in sections 444, 446 and 456, Indian Penal Code	4	21	10	35
6. House-breaking, as defined in section 445, Indian Penal Code	1	11	...	12
7. Lurking house-trespass or house-breaking by night, as defined in section 458, Indian Penal Code	...	3	...	3
8. Lurking house-trespass, as defined in sections 443 and 453, Indian Penal Code ...	...	1	...	1
9. Offences under section 354, Indian Penal Code	...	1	...	1
10. Robbery, as defined in section 392, Indian Penal Code	...	1	...	1
11. Offences under section 19, Act XXVII of 1871	15	28	...	43
12. Rape, as defined in section 376, Indian Penal Code	...	...	1	1
13. Unnatural offence, section 377, Indian Penal Code	...	1	...	1
14. Dacoity, as defined in section 395, Indian Penal Code	...	...	1	1
On 1st conviction	326	661	166	1,153
On re-conviction	2	17	4	23
Total ... 1909 ...	328	678	170	1,176
Total ... 1908 ...	582	1323	262	2,167

JUDICIAL STATEMENT No. V-A—(CRIMINAL.)

PART II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864.

Offences for which awarded.	Number of persons awarded			
	5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	Total.
1	2	3	4	5
In addition to other punishments.				
(SECTIONS 3 AND 4).				
A.—Section 3.				
1. Theft, as defined in sections 378 to 381, Indian Penal Code	2	9	15	26
2. Dishonestly receiving stolen property, as defined in section 411, Indian Penal Code	...	3	3	6
3. House-breaking by night, as defined in section 454, Indian Penal Code	...	2	3	5
4. Offences under section 19, Act XXVII of 1871	1	4	...	5
5. House-breaking or lurking house-trespass by night, as defined in section 457, Indian Penal Code	...	4	5	9
6. House-breaking by night, as defined in section 446, Indian Penal Code ..	...	1	...	1
7. Lurking house-trespass, as defined in sections 455/75, Indian Penal Code ...	...	...	1	1
8. Lurking house-trespass by night, as defined in section 456, Indian Penal Code ...	...	1	...	1
9. Robbery, as defined in section 392, Indian Penal Code	...	1	...	1
B.—Section 4.				
1. Rape, as defined in section 376, Indian Penal Code	...	...	6	6
2. Lurking house-trespass, as defined in sections 454 and 457, Indian Penal Code ...	...	...	1	1
Total ...	3	25	34	62

JUDICIAL STATEMENT No. V-A—(CRIMINAL.)

PART III.

Showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in Parts I and II.

Offences.		Number of persons awarded.			
		5 to 10 stripes.	11 to 20 stripes.	21 to 30 stripes.	Total.
1		2	3	4	5
1. Other cases of hurt, as defined in section 324, Indian Penal Code.		1	...	...	1
2. Rape, as defined in section 376, Indian Penal Code		...	2	...	2
3. Mischief by fire, etc., as defined in section 436, Indian Penal Code		...	1	...	1
On 1st conviction		1	3	...	4
On re-conviction		...	...	...	...
Total ...	1909	1	3	...	4
	1908	10	4	4	18

JUDICIAL STATEMENT No. V-A- (CRIMINAL.)

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments.

Punishments.	Number.
1	2
1. Total number of whippings awarded	1,241
2. Total number of other punishments in cases in which whipping might have been awarded	3,670
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)	4,911
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3)	25·26

IMPERIAL RETURN No. VI (CRIMINAL).

Showing the result of appeals and revisions in criminal cases in the Province of Oudh, during the year 1909.

Tribunals.	Total number of appellants or applicants before the courts.	Number of persons.										Average number of days each appeal lasted.	Number of persons dealt with under—		Remarks.
		Died, escaped or transferred to another province	Appeals or applications rejected.	Sentences or orders confirmed.	Sentences enhanced.	Sentences reduced or otherwise altered.	Sentences reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to High Court.	Pending trial.		Section 106(3), Code of Criminal Procedure.	Section 8, clause 2, of the Reformatory Schools Act.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Appeals.															
To Chief Magistrates of Districts	1,419	...	18	984	...	151	245	...	11	...	10	12·87	...	...	
To Sessions Courts ...	2,194	4	1,151	555	3	272	155	1	16	2	35	10·33	...	...	
Superior Court. By persons convicted ...	731	1	88	407	...	68	109	...	2	...	56	34·05	...	...	
Superior Court. By Government ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ... 1909	4,344	5	1,257	1,946	3	491	509	1	29	2	101	14·96	...	...	
Total ... 1908	6,533	20	2,107	2,829	11	528	734	31	57	5	211	17·87	...	...	
Revisions.															
By Chief Magistrates of Districts ...	298	...	316	423	2	1	27	11	120	15	10	7·32	...	...	Applications by complainants against accused. 214 „ 244 „ 627
By Courts of Session ...	582	...	286	520	...	...	2	...	66	55	9	12·23	...	...	101 „ 114 „ 356
By Superior Court ...	582	...	133	225	5	28	216	...	9	...	9	22·14	...	...	18 „ 33 „ 43
Total ... 1909	1,462	...	735	1,168	7	29	245	11	195	70	28	13·5	...	...	333 „ 391 „ 1,026
Total ... 1908	961	3	521	910	12	53	68	3	212	46	70	15·36	...	...	371 „ 430 „ 937

IMPERIAL RETURN No. XIII—(CRIMINAL).

Showing the use of jurors and assessors in the criminal courts in the Province of Oudh, during the year 1909.

Class of courts in which assessors are employed distinguishing Criminal from Civil Courts.	Established or average number of jurors or assessors in each case and prescribed qualifications.	Number of cases tried by jury.	Number of cases with assessors.	Jury trials.					Assessors' trials.		
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved.		Number of cases in which the Judge agreed with assessors.	Number of cases in which the Judge differed from—	
					Wholly.	Partially.	Whose cases he referred under section 307, Code of Criminal Procedure.	Whose cases he did not refer under section 307, Code of Criminal Procedure.		One assessor.	Both assessors.
1	2	3	4	5	6	7	8	9	10	11	12
Sessions Judge, Lucknow ...	5 Jurors. 2Assessors.	31	80	28	3	...	4	...	62	3	15
„ „ Sitapur ...	2 Assessors.	...	121	...	...	...	...	...	96	9	16
„ „ Hardoi ...	2 „	...	78	...	...	...	...	...	54	11	13
„ „ Fyzabad ...	3 „	...	60	...	...	...	...	...	47	5	8
„ „ Gonda ...	2 „	...	154	...	...	...	...	...	97	32	25
„ „ Rae Bareli ...	2 „	...	60	...	...	...	...	...	56	2	2
Total 1909 ...	...	31	553	28	3	...	4	...	412	62	79
Total 1908 ...	...	52	810	47	4	1	6	...	623	88	99

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